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# Election and Registration LAWS

OF

## CALIFORNIA

Including the

### NATURALIZATION LAWS OF THE UNITED STATES

Also

CHARTER PROVISIONS RELATING TO ELECTIONS

in the

### CITY AND COUNTY OF SAN FRANCISCO

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Compiled by the Registrar of Voters

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Election and  
registration laws of  
California :

POLITICAL CALENDAR

1915- 1916

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1915

Primary Municipal Election.....September 28, 1915

General Municipal Election.....November 9, 1915

1916

Presidential Primary.....May 2, 1916

Primary Election.....August 29, 1916

General Election.....November 7, 1916

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APPELLATE AND EQUALIZATION  
DISTRICTS.**

In Effect January 2nd, 1912.

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18	Part 32-33	4th Congressional District 21st, 28th, 30th, 31st, 32nd and 33rd Assembly Districts.
19	Part 30-31-32 33	
20	Part 26-27-28 30-31	5th Congressional District 22nd, 23rd, 24th, 25th, 26th, 27th and 29th Assembly Districts.
21	Part 22-25-26 27	
22	Part 25-26-29 30	1st Equalization District San Francisco
23	Part 21-22	1st Appellate District San Francisco, Marin, Alameda, Con- tra Costa, San Mateo, Santa Clara, Fresno, Santa Cruz, Monterey and San Benito.
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# ELECTION LAWS

## CONSTITUTION.

### ARTICLE II. RIGHT OF SUFFRAGE.

Section 1. Every native citizen of the United States, every person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been resident of the State one year next preceding the election, and of the county in which he or she claims his or her vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; provided, no native of China, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of embezzlement or misappropriation of public money, and no person who shall not be able to read the Constitution in the English language and write his or her name, shall ever exercise the privileges of an elector in this State; provided, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be sixty years of age and upwards at the time this amendment shall take effect. (Amended November 6, 1894, and October 10, 1911.)

Right of  
suffrage

Sec. 2. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to or returning therefrom.

Privileged  
from arrest

Sec. 2½. The Legislature shall have the power to enact laws relative to the election of delegates to conventions of political parties; and the Legislature shall enact laws providing for the direct nomination of candidates for public office, by electors, political parties, or organizations of electors without conventions, at elections to be known and designated as primary elections; and also to determine the tests and conditions upon which electors, political parties, or organizations of electors may participate in any such primary election. It shall also be lawful for the Legislature to prescribe that

Primary Election

any such primary election shall be mandatory and obligatory. The Legislature shall also have the power to establish the rates of compensation for primary election officers serving at such primary elections in any city, or city and county, or county, or other subdivision of a designated population, without making such compensation uniform, and for such purpose such law may declare the population of any city, city and county, county or political subdivision. Provided, however, that until the Legislature shall enact a direct primary election law under the provisions of this section, the present primary election law shall remain in force and effect. (Amendment adopted November 3, 1908.)

Military  
duty

Sec. 3. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

Residence

Sec. 4. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas; nor while a student at any seminary of learning; nor while kept at any almshouse or other asylum, at public expense; nor while confined in any public prison.

Employed  
by United  
States, etc.

Manner of  
voting

Sec. 5. All elections by the people shall be by ballot or by such other method as may be prescribed by law, provided, that secrecy in voting be preserved.

Voting by  
Mechanical  
Device

Sec. 6. The inhibitions of this Constitution to the contrary notwithstanding, the Legislature shall have power to provide that in different parts of the State different methods may be employed for receiving and registering the will of the people as expressed at elections, and may provide that mechanical devices may be used within designated subdivisions of the State, at the option of the local authority indicated by the Legislature for that purpose. (Amended November 4, 1902.)

## ARTICLE IV.

### Initiative—Referendum.

Legislative  
Powers

Section 1. The legislative power of this State shall be vested in a Senate and Assembly which shall be designated "The Legislature of the State of California," but the people reserve to themselves the power to propose laws and amendments to the Constitution, and to adopt or reject the same, at the polls independent of the Legislature, and also reserve the power, at their own option, to so adopt or reject any act, or section or part of any

act, passed by the Legislature. The enacting clause of every law shall be "The people of the State of California do enact as follows:"

Enacting  
clause

The first power reserved to the people shall be known as the initiative. Upon the presentation to the Secretary of State of a petition certified as herein provided to have been signed by qualified electors, equal in number to eight per cent of all the votes cast for all candidates for Governor at the last preceding general election, at which a Governor was elected, proposing a law or amendment to the Constitution, set forth in full in said petition, the Secretary of State shall submit the said proposed law or amendment to the Constitution to the electors at the next succeeding general election occurring subsequent to ninety days after the presentation aforesaid of said petition, or at any special election called by the Governor in his discretion prior to such general election. All such initiative petitions shall have printed across the top thereof in twelve point black-face type the following: "Initiative measure to be submitted directly to the electors."

Initiative

Upon the presentation to the Secretary of State, at any time not less than ten days before the commencement of any regular session of the Legislature, of a petition certified as herein provided to have been signed by qualified electors of the State equal in number to five per cent of all the votes cast for all candidates for Governor at the last preceding general election, at which a Governor was elected, proposing a law set forth in full in said petition, the Secretary of State shall transmit the same to the Legislature as soon as it convenes and organizes. The law proposed by such petition shall be either enacted or rejected without change or amendment by the Legislature, within forty days from the time it is received by the Legislature. If any law proposed by such petition shall be enacted by the Legislature it shall be subject to referendum, as hereinafter provided. If any law so petitioned for be rejected, or if no action is taken upon it by the Legislature within said forty days, the Secretary of State shall submit it to the people for approval or rejection at the next ensuing general election. The Legislature may reject any measure so proposed by initiative petition and propose a different one on the same subject by a yea and nay vote upon separate roll call, and in such event both measures shall be submitted by the Secretary of State to the electors for approval or rejection at the next ensuing general election or at a prior special election called by the Governor, in his discretion, for such purpose. All said initiative petitions last above described shall have printed in twelve point black-face

Petition

type the following: "Initiative measure to be presented to the Legislature."

#### Referendum

The second power reserved to the people shall be known as the referendum. No act passed by the Legislature shall go into effect until ninety days after the final adjournment of the session of the Legislature which passed such act, except acts calling elections, acts providing for tax levies or appropriations for the usual current expenses of the State, and urgency measures necessary for the immediate preservation of the public peace, health or safety, passed by a two-thirds vote of all the members elected to each house. Whenever it is deemed necessary for the immediate preservation of the public peace, health or safety that a law shall go into immediate effect, a statement of the facts constituting such necessity shall be set forth in one section of the act, which section shall be passed only upon a yea and nay vote, upon a separate roll call thereon; provided, however, that no measure creating or abolishing any office or changing the salary, term or duties of any officer, or granting any franchise or special privilege, or creating any vested right or interest, shall be construed to be an urgency measure. Any law so passed by the Legislature and declared to be an urgency measure shall go into immediate effect.

#### Petition

Upon the presentation to the Secretary of State within ninety days after the final adjournment of the Legislature of a petition certified as herein provided, to have been signed by qualified electors equal in number to five per cent of all the votes cast for all candidates for Governor at the last preceding general election at which a Governor was elected, asking that any act or section or part of any act of the Legislature, be submitted to the electors for their approval or rejection, the Secretary of State shall submit to the electors for their approval or rejection, such act, or section or part of such act, at the next succeeding general election occurring at any time subsequent to thirty days after the filing of said petition or at any special election which may be called by the Governor, in his discretion, prior to such regular election, and no such act or section or part of such act shall go into effect until and unless approved by a majority of the qualified electors voting thereon; but if a referendum petition is filed against any section or part of any act the remainder of such act shall not be delayed from going into effect.

#### Majority approves

Any act, law or amendment to the Constitution submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon, at any election, shall take effect five days after the date of the official declaration of the vote by the Secretary of State. No act, law or amendment to the Consti-



tution, initiated or adopted by the people, shall be subject to the veto power of the Governor, and no act, law or amendment to the Constitution, adopted by the people at the polls under the initiative provisions of this section, shall be amended or repealed except by a vote of the electors, unless otherwise provided in said initiative measure; but acts and laws adopted by the people under the referendum provisions of this section may be amended by the Legislature at any subsequent session thereof. If any provision or provisions of two or more measures, approved by the electors at the same election, conflict, the provision or provisions of the measure receiving the highest affirmative vote shall prevail. Until otherwise provided by law, all measures submitted to a vote of the electors, under the provisions of this section, shall be printed, and together with arguments for and against each such measure by the proponents and opponents thereof, shall be mailed to each elector in the same manner as now provided by law as to amendments to the Constitution, proposed by the Legislature; and the persons to prepare and present such arguments shall, until otherwise provided by law, be selected by the presiding officer of the Senate.

No Veto

Conflicting  
measures

If for any reason any initiative or referendum measure, proposed by petition as herein provided, be not submitted at the election specified in this section, such failure shall not prevent its submission at a succeeding general election, and no law or amendment to the Constitution, proposed by the Legislature, shall be submitted at any election unless at the same election there shall be submitted all measures proposed by petition of the electors, if any be so proposed, as herein provided.

Failure to submit  
measure

Any initiative or referendum petition may be presented in sections, but each section shall contain a full and correct copy of the title and text of the proposed measure. Each signer shall add to his signature his place of residence, giving the street and number if such exist. His election precinct shall also appear on the paper after his name. The number of signatures attached to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified elector of the State shall be competent to solicit said signatures within the county or city and county of which he is an elector. Each section of the petition shall bear the name of the county or city and county in which it is circulated, and only qualified electors of such county or city and county shall be competent to sign such section. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating his own qualifications and that all the signatures to the attached section were made in his presence and that to the best of his

Petitions may be  
presented in sections

knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be, and no other affidavit thereto shall be required. The affidavit of any person soliciting signatures hereunder shall be verified free of charge by any officer authorized to administer oaths. Such petitions so verified shall be prima facie evidence that the signatures thereon are genuine and that the persons signing the same are qualified electors. Unless and until it be otherwise proven upon official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified electors.

Filing  
petitions

Each section of the petition shall be filed with the clerk or Registrar of Voters of the county or city and county in which it was circulated, but all said sections circulated in any county or city and county shall be filed at the same time. Within twenty days after the filing of such petition in his office the said clerk, or Registrar of Voters, shall determine from the records of registration what number of qualified electors have signed the same, and if necessary the Board of Supervisors shall allow said clerk or Registrar additional assistants for the purpose of examining such petition and provide for their compensation. The said clerk or Registrar, upon the completion of such examination, shall forthwith attach to said petition, except the signatures thereto appended, his certificate, properly dated, showing the result of said examination and shall forthwith transmit said petition, together with his said certificate, to the Secretary of State and also file a copy of said certificate in his office. Within forty days from the transmission of the said petition and certificate by the clerk or Registrar to the Secretary of State, a supplemental petition identical with the original as to the body of the petition but containing supplemental names, may be filed with the clerk or Registrar of Voters, as aforesaid. The clerk or Registrar of Voters shall within ten days after the filing of such supplemental petition make like examination thereof, as of the original petition, and upon the completion of such examination shall forthwith attach to said petition his certificate, properly dated, showing the result of said examination, and shall forthwith transmit a copy of said supplemental petition, except the signatures thereto appended, together with his certificate, to the Secretary of State.

Supplemental  
petitions

Receipt of  
Secretary of State

When the Secretary of State shall have received from one or more County Clerks or Registrars of Voters a petition certified as herein provided to have been signed by the requisite number of qualified electors, he shall forthwith transmit to the County Clerk or Registrar of Voters of every county or city and county in the State his certificate showing such fact. A petition shall be deemed

to be filed with the Secretary of State upon the date of the receipt by him of a certificate or certificates showing said petition to be signed by the requisite number of electors of the State. Any County Clerk or Registrar of Voters shall, upon receipt of such copy, file the same for record in his office. The duties herein imposed upon the clerk or Registrar of Voters shall be performed by such Registrar of Voters in all cases where the office of Registrar of Voters exists.

Registrar of  
Voters

The initiative and referendum powers of the people are hereby further reserved to the electors of each county, city and county, city and town of the State, to be exercised under such procedure as may be provided by law. Until otherwise provided by law, the Legislative body of any such county, city and county, city or town may provide for the manner of exercising the initiative and referendum powers herein reserved to such counties, cities and counties, cities and towns, but shall not require more than fifteen per cent of the electors thereof to propose any initiative measure nor more than ten per cent of the electors thereof to order the referendum. Nothing contained in this section shall be construed as affecting or limiting the present or future powers of cities or cities and counties having charters adopted under the provisions of section eight of article eleven of this Constitution. In the submission to the electors of any measure under this section, all officers shall be guided by the general laws of this State, except as is herein otherwise provided. This section is self-executing, but legislation may be enacted to facilitate its operation, but in no way limiting or restricting either the provisions of this section or the powers herein reserved.

Powers reserved  
to the people of the  
Counties and Cities

## ARTICLE XI.

### Counties, Cities, and Towns.

Section 1. The several counties, as they now exist, are hereby recognized as legal subdivisions of this State.

Subdivisions of  
State

Sec. 2. No county seat shall be removed unless two-thirds of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal. A proposition of removal shall not be submitted in the same county more than once in four years.

Removal of  
County Seat

Sec. 3. The legislature, by general and uniform laws, may provide for the alteration of county boundary lines, and for the formation of new counties; provided, however, that no new county shall be established which shall reduce any county to a population of less than twenty thousand, nor shall a new county be formed

New Counties

containing a less population than eight thousand; nor shall any line thereof pass within five miles of the exterior boundary of the city or town in which the county seat of any county proposed to be divided is situated. Every county which shall be enlarged or created from territory taken from any other county or counties, shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken. (Amendment adopted November 8, 1910.)

County governments

Sec. 4. The Legislature shall establish a system of county governments, which shall be uniform throughout the State; and by general laws shall provide for township organization, under which any county may organize whenever a majority of the qualified electors of such county, voting at a general election, shall so determine; and whenever a county shall adopt township organization, the assessment and collection of the revenue shall be made, and the business of such county and the local affairs of the several townships therein shall be managed and transacted, in the manner prescribed by such general laws.

Appointment of officers and fixing compensation

Sec. 5. The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of Boards of Supervisors, Sheriffs, County Clerks, District Attorneys, and such other county, township, and municipal officers as public convenience may require and shall prescribe their duties and fix their terms of office. It shall regulate the compensation of all such officers, in proportion to duties, and may also establish fees to be charged and collected by such officers for services performed in their respective offices, in the manner and for the uses provided by law, and for this purpose may classify the counties by population; and it shall provide for the strict accountability of county and township officers for all fees which may be collected by them, and for all public and municipal moneys which may be paid to them, or officially come into their possession. It may regulate the compensation of grand and trial jurors in all courts within the classes of counties herein permitted to be made; such compensation, however, shall not, in any class, exceed the sum of three dollars per day and mileage. (Amendment adopted November 3, 1908.)

Regulating the compensation of Grand and Trial Jurors

Municipal corporation not to be created by special laws

Sec. 6. Corporations for municipal purposes shall not be created by special laws; but the Legislature shall, by general laws, provide for the incorporation, organization, and classification, in proportion to population, of cities and towns, which laws may be altered, amended, or repealed; and the Legislature may, by general laws, provide for the performance by county officers of certain

of the municipal functions of cities and towns so incorporated, whenever a majority of the electors of any such city or town voting at a general or special election shall so determine. Cities and towns heretofore organized or incorporated may become organized under the general laws passed for that purpose, whenever a majority of the electors voting at a general election shall so determine, and shall organize in conformity therewith. Cities and towns hereafter organized under charters framed and adopted by authority of this Constitution are hereby empowered, and cities and towns heretofore organized by authority of this Constitution may amend their charters in the manner authorized by this Constitution so as to become likewise empowered hereunder, to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in their several charters, and in respect to other matters they shall be subject to and controlled by general laws. Cities and towns heretofore or hereafter organized by authority of this Constitution may, by charter provision or amendment, provide for the performance by county officers of certain of their municipal functions, whenever the discharge of such municipal functions by county officers is authorized by general laws or by the provisions of a County Charter framed and adopted by authority of this Constitution. (Amended November 3, 1914.)

Sec. 7. City and county governments may be merged and consolidated into one municipal government, with one set of officers, and may be incorporated under general laws providing for the incorporation and organization of corporations for municipal purposes. The provisions of this Constitution applicable to cities, and also those applicable to counties, so far as not inconsistent or prohibited to cities, shall be applicable to such consolidated government. (Amendment adopted November 6, 1894.)

Governments may  
be merged and  
consolidated

Sec. 7½. Any county may frame a Charter for its own government consistent with and subject to the Constitution (or, having framed such a Charter, may frame a new one,) and relating to matters authorized by provisions of the Constitution, by causing a Board of fifteen Freeholders, who have been for at least five years qualified electors thereof, to be elected by the qualified electors of said county, at a general or special election. Said Board of Freeholders may be so elected in pursuance of an ordinance adopted by the vote of three-fifths of all the members of the Board of Supervisors of such county, declaring that the public interest requires the election of such Board for the purpose of preparing and proposing a Charter for said county, or in pursuance

New Charter

## CONSTITUTION.

of a petition of qualified electors of said county as hereinafter provided. Such petition, signed by fifteen per centum of the qualified electors of said county, computed upon the total number of votes cast therein for all candidates for Governor at the last preceding general election at which a Governor was elected, praying for the election of a Board of Fifteen Freeholders to prepare and propose a Charter for said county, may be filed in the office of the County Clerk. It shall be the duty of said County Clerk, within twenty days after the filing of said petition, to examine the same, and to ascertain from the record of the registration of electors of the county, whether said petition is signed by the requisite number of qualified electors. If required by said Clerk, the Board of Supervisors shall authorize him to employ persons specially to assist him in the work of examining such petition, and shall provide for their compensation. Upon the completion of such examination, said Clerk shall forthwith attach to said petition his certificate, properly dated, showing the result thereof, and if, by said certificate, it shall appear that said petition is signed by the requisite number of qualified electors, said Clerk shall immediately present said petition to the Board of Supervisors, if it be in session, otherwise at its next regular meeting after the date of such certificate. Upon the adoption of such ordinance, or the presentation of such petition, said Board of Supervisors shall order the holding of a special election for the purpose of electing such Board of Freeholders, which said special election shall be held not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid or the presentation of said petition to said Board of Supervisors: provided, that if a general election shall occur in said county not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid, or such presentation of said petition to said Board of Supervisors, said Board of Freeholders may be elected at such general election. Candidates for election as members of said Board of Freeholders shall be nominated by petition, substantially in the same manner as may be provided by general law for the nomination, by petition of electors, of candidates for county offices, to be voted for at general elections. It shall be the duty of said Board of Freeholders, within one hundred and twenty days after the result of such election shall have been declared by said Board of Supervisors, to prepare and propose a Charter for said county, which shall be signed in duplicate by the members of said Board of Freeholders, or a majority of them, and be filed, one copy in the office of the County Clerk of said county and the other in the office of the County Recorder thereof. Said

Board of Supervisors shall thereupon cause said proposed Charter to be published for at least ten times in a daily newspaper of general circulation, printed, published and circulated in said county; provided, that in any county where no such daily newspaper is printed, published and circulated, such proposed Charter shall be published for at least three times in at least one weekly newspaper, of general circulation, printed, published and circulated in such county; and provided, that in any county where neither such daily nor such weekly newspaper is printed, published and circulated, a copy of such proposed Charter shall be posted by the County Clerk in three public places in said county, and on or near the entrance to at least one public schoolhouse in each school district in said county, and the first publication or the posting of such proposed Charter shall be made within fifteen days after the filing of a copy thereof, as aforesaid, in the office of the County Clerk. Said proposed Charter shall be submitted by said Board of Supervisors to the qualified electors of said county at a special election held not less than thirty days nor more than sixty days after the completion of such publication, or after such posting; provided, that if a general election shall occur in said county not less than thirty days nor more than sixty days after the completion of such publication, or after such posting, then such proposed Charter may be so submitted at such general election. If a majority of said qualified electors, voting thereon at such general or special election, shall vote in favor of such proposed Charter, it shall be deemed to be ratified, and shall be forthwith submitted to the Legislature, if it be in regular session, otherwise at its next regular session, or it may be submitted to the Legislature in extraordinary session, for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, such Charter shall become the Charter of such county and shall become the organic law thereof relative to the matters therein provided, and supersede any existing Charter framed under the provisions of this section, and all amendments thereof, and shall supersede all laws inconsistent with such Charter relative to the matters provided in such Charter. A copy of such Charter, certified and authenticated by the Chairman and Clerk of the Board of Supervisors under the seal of said Board and attested by the County Clerk of said county, setting forth the submission of such Charter to the electors of said county, and its ratification by them, shall, after the approval of such Charter by the Legislature, be made in duplicate, and filed, one in the office of the Secretary of State and the other,

after being recorded in the office of the Recorder of said county, shall be filed in the office of the County Clerk thereof, and thereafter all Courts shall take judicial notice of said Charter.

The Charter, so ratified, may be amended by proposals therefor submitted by the Board of Supervisors of the county to the qualified electors thereof at a general or special election held not less than thirty days nor more than sixty days after the publication of such proposals for ten times in a daily newspaper of general circulation, printed, published and circulated in said county; provided, that in any county where no such daily newspaper is printed, published and circulated, such proposed Charter shall be published for at least three times in at least one weekly newspaper, of general circulation, printed, published and circulated in such county; provided, that in any county where neither such daily nor such weekly newspaper is printed, published and circulated, a copy of such proposed Charter shall be posted by the County Clerk in three public places in said county, and on or near the entrance to at least one public schoolhouse in each school district in said county. If a majority of such qualified electors voting thereon, at such general or special election, shall vote in favor of any such proposed amendment or amendments, or any amendment or amendments proposed by petition as hereinafter provided, such amendment or amendments shall be deemed to be ratified, and shall be forthwith submitted to the Legislature, if it be in regular session, otherwise at its next regular session, or may be submitted to the Legislature in extraordinary session, for approval or rejection as a whole, without power of alteration or amendment, and if approved by the Legislature, as herein provided for the approval of the Charter, such Charter shall be amended accordingly. A copy of such amendment or amendments shall, after the approval thereof by the Legislature, be made in duplicate, and shall be authenticated, certified, recorded and filed as herein provided for the Charter, and with like force and effect. Whenever a petition signed by ten per centum of the qualified electors of any county, computed upon the total number of votes cast in said county for all candidates for Governor at the last general election, at which a Governor was elected, is filed in the office of the County Clerk of said county, petitioning the Board of Supervisors thereof to submit any proposed amendment or amendments to the Charter of such county, which amendment or amendments shall be set forth in full in such petition, to the qualified electors thereof, such petition shall forthwith be examined and certified by the County Clerk, and if signed by the requisite number of qualified electors of such county, shall



be presented to the said Board of Supervisors, by the said County Clerk, as hereinbefore provided for petitions for the election of Boards of Freeholders. Upon the presentation of said petition to said Board of Supervisors, said Board must submit the amendment or amendments set forth therein to the qualified electors of said county at a general or special election held not less than thirty days nor more than sixty days after the publication or posting of such proposed amendment or amendments in the same manner as hereinbefore provided in the case of the submission of any proposed amendment or amendments to such Charter, proposed and submitted by the Board of Supervisors. In submitting any such Charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the electors, and may be voted on separately without prejudice to others.

Every special election held under the provisions of this section, for the election of Boards of Freeholders or for the submission of proposed Charters, or any amendment or amendments thereto, shall be called by the Board of Supervisors, by ordinance, which shall specify the purpose and time of such election and shall establish the election precincts and designate the polling places therein, and the names of the election officers for each such precinct. Such ordinance, prior to such election, shall be published five times in a daily newspaper, or twice in a weekly newspaper, if there be no such daily newspaper, printed, published and circulated in said county; provided, that if no such daily or weekly newspaper be printed or published in such county, then a copy of such ordinance shall be posted by the County Clerk in three public places in such county and in or near the entrance to at least one public schoolhouse in each school district therein. In all other respects, every such election shall be held and conducted, the returns thereof canvassed and the result thereof declared by the Board of Supervisors in the same manner as provided by law for general elections. Whenever Boards of Freeholders shall be elected, or any such proposed Charter, or amendment or amendments thereto, submitted, at a general election, the general laws applicable to the election of county officers and the submission of propositions to the vote of electors, shall be followed in so far as the same may be applicable thereto.

It shall be competent, in all Charters, framed under the authority given by this section, to provide, in addition to any other provisions allowable by this Constitution, and the same shall provide, for the following matters:

1. For Boards of Supervisors and for the constitution, regulation and government thereof, for the times at

Special Elections

which and the terms for which the members of said Board shall be elected, for the number of members, not less than three, that shall constitute such boards, for their compensation and for their election, either by the electors of the counties at large or by districts; provided, that in any event said Board shall consist of one member for each district, who must be a qualified elector thereof; and

2. For Sheriffs, County Clerks, Treasurers, Record-ers, License Collectors, Tax Collectors, Public Administrators, Coroners, Surveyors, District Attorneys, Auditors, Assessors and Superintendents of Schools, for the election or appointment of said officers, or any of them, for the times at which and the terms for which said officers shall be elected or appointed, and for their compensation, or for the fixing of such compensation by Boards of Supervisors, and, if appointed, for the manner of their appointments; and

3. For the number of Justices of the Peace and Constables for each township, or for the number of such judges and other officers of such inferior courts as may be provided by the Constitution or General Law, for the election or appointment of said officers, for the times at which and the terms for which said officers shall be elected or appointed, and for their compensation, or for the fixing of such compensation by Boards of Supervisors, and if appointed, for the manner of their appointment; and

4. For the powers and duties of Boards of Supervisors and all other county officers, for their removal and for the consolidation and segregation of county offices, and for the manner of filling all vacancies occurring therein; provided, that the provisions of such Charters relating to the powers and duties of Boards of Supervisors and all other county officers shall be subject to and controlled by general laws; and

4½. For the assumption and discharge by county officers of certain of the municipal functions of the cities and towns within the county, whenever, in the case of cities and towns incorporated under general laws, the discharge by county officers of such municipal functions is authorized by general law, or whenever, in the case of cities and towns organized under section eight of this article, the discharge by county officers of such municipal functions is authorized by provisions of the Charters, or by amendments thereto, of such cities or towns.

5. For the fixing and regulation by Boards of Supervisors, by ordinance, of the appointment and number of assistants, deputies, clerks, attaches and other persons to be employed, from time to time, in the several offices of the county, and for the prescribing and regulating

by such Boards of the powers, duties, qualifications and compensation of such persons, the times at which, and terms for which they shall be appointed, and the manner of their appointment and removal; and

6. For the compensation of such fish and game wardens, probation and other officers as may be provided by general law, or for the fixing of such compensation by Boards of Supervisors.

All elective officers of counties, and of townships, of road districts and of highway construction divisions therein shall be nominated and elected in the manner provided by general laws for the nomination and election of such officers.

All Charters framed under the authority given by this section, in addition to the matters herein above specified, may provide as follows:

For offices other than those required by the Constitution and laws of the State, or for the creation of any or all such offices by Boards of Supervisors, for the election or appointment of persons to fill such offices, for the manner of such appointment, for the times at which and the terms for which such persons shall be so elected or appointed, and for their compensation, or for the fixing of such compensation by Boards of Supervisors.

For offices hereafter created by this Constitution or by general law, for the election or appointment of persons to fill such offices, for the manner of such appointment, for the times at which and the terms for which such persons shall be so elected or appointed, and for their compensation, or for the fixing of such compensation by Boards of Supervisors.

For the formation, in such counties, of road districts for the care, maintenance, repair, inspection and supervision only of roads, highways and bridges; and for the formation, in such counties, of highway construction divisions for the construction only of roads, highways and bridges; for the inclusion in any such district or division, of the whole or any part of any incorporated city or town, upon ordinance passed by such incorporated city or town authorizing the same, and upon the assent to such inclusion by a majority of the qualified electors of such incorporated city or town, or portion thereof, proposed to be so included, at an election held for that purpose; for the organization, government, powers and jurisdiction of such districts and divisions, and for raising revenue therein, for such purposes, by taxation, upon the assent of a majority of the qualified electors of such districts or divisions, voting at an election to be held for that purpose; for the incurring of indebtedness therefor by such counties, districts or divisions for such purposes respectively, by the issuance and sale, by the counties, of bonds of such counties, districts

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or divisions, and the expenditure of the proceeds of the sale of such bonds, and for levying and collecting taxes against the property of the counties, districts or divisions, as the case may be, for the payment of the principal and interest of such indebtedness at maturity; provided, that any such indebtedness shall not be incurred without the assent of two-thirds of the qualified electors of the county, district or division, as the case may be, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also for a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same, and the procedure for voting, issuing and selling such bonds shall, except in so far as the same shall be prescribed in such Charters, conform to general laws for the authorizing and incurring by counties of bonded indebtedness, so far as applicable; provided, further, that provisions in such Charters for the construction, care, maintenance, repair, inspection and supervision of roads, highways and bridges for which aid from the State is granted, shall be subject to such regulations and conditions as may be imposed by the Legislature.

Whenever any county has framed and adopted a Charter, and the same shall have been approved by the Legislature, as herein provided, the general laws adopted by the Legislature in pursuance of sections four and five of this article, shall, as to such county, be superseded by said Charter as to matters for which, under this section it is competent to make provision in such Charter, and for which provision is made therein, except as herein otherwise expressly provided; and except that any such Charter shall not affect the tenure of office of the elective officers of the county, or of any district, township or division thereof, in office at the time such Charter goes into effect, and such officers shall continue to hold their respective offices until the expiration of the term for which they shall have been elected, unless sooner removed in the manner provided by law.

The Charter of any county, adopted under the authority of this section, may be surrendered and annulled with the assent of two-thirds of the qualified electors of such county, voting at a special election, held for that purpose, and to be ordered and called by the Board of Supervisors of the county upon receiving a written petition, signed and certified as hereinabove provided for the purposes of the adoption of Charters, requesting said Board to submit the question of the surrender and annulment of such Charter to the qualified electors of

such county, and, in the event of the surrender and annulment of any such Charter, such county shall thereafter be governed under general laws in force for the government of counties.

The provisions of this section shall not be applicable to any county that is consolidated with any city. (Amended November 3, 1914.)

*New charters*

Section 8. Any city or city and county containing a population of more than three thousand five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States or of the Legislature of California, may frame a Charter for its own government, consistent with and subject to this Constitution; and any city, or city and county having adopted a Charter may adopt a new one. Any such Charter shall be framed by a Board of fifteen Freeholders chosen by the electors of such city at any general or special election; but no person shall be eligible as a candidate for such Board unless he shall have been, for the five years next preceding, an elector of said city. An election for choosing freeholders may be called by a two-thirds vote of the legislative body of such city, and, on presentation of a petition signed by not less than fifteen per cent of the registered electors of such city, the legislative body shall call such election at any time not less than thirty nor more than sixty days from date of the filing of the petition. Any such petition shall be verified by the authority having charge of the registration records of such city or city and county and the expenses of such verification shall be provided by the legislative body thereof. Candidates for the office of freeholders shall be nominated either in such manner as may be provided for the nomination of officers of the municipal government or by petition, substantially in the same manner as may be provided by general laws for the nomination by petition of electors of candidates for public offices to be voted for at general elections. The Board of Freeholders shall, within one hundred and twenty days after the result of the election is declared, prepare and propose a charter for the government of such city; but the said period of one hundred and twenty days may with the consent of the legislative body of such city be extended by such Board not exceeding a total of sixty days. The Charter so prepared shall be signed by a majority of the Board of Freeholders and filed, in the office of the Clerk of the legislative body of said city. The legislative body of said city shall within fifteen days after such filing cause such Charter to be published once in the official paper of said city; (or in case there be no such paper, in a paper of general circulation); and shall cause copies of such Charter to be printed in convenient pamphlet form,

and shall, until the date fixed for the election upon such Charter, advertise in one or more papers of general circulation published in said city a notice that such copies may be had upon application therefor. Such Charter shall be submitted to the electors of such city at a date to be fixed by the Board of Freeholders, before such filing and designated on such Charter, either at a special election held not less than sixty days from the completion of the publication of such Charter as above provided, or at the general election next following the expiration of said sixty days. If a majority of the qualified voters voting thereon at such general or special election shall vote in favor of such proposed Charter, it shall be deemed to be ratified, and shall be submitted to the Legislature, if then in session, or at the next regular or special session of the Legislature. The Legislature shall by concurrent resolution approve or reject such Charter as a whole, without power of alteration or amendment; and if approved by a majority of the members elected to each house it shall become the organic law of such city or city and county, and supersede any existing Charter and all laws inconsistent therewith. One copy of the Charter so ratified and approved shall be filed with the Secretary of State, one with the Recorder of the county in which such city is located, and one in the archives of the city; and thereafter the courts shall take judicial notice of the provisions of such Charter. The Charter of any city or city and county may be amended by proposals therefor submitted by the legislative body of the city on its own motion or on petition signed by fifteen per cent of the registered electors, or both. Such proposals shall be submitted to the electors only during the six months next preceding a regular session of the Legislature or thereafter and before the final adjournment of that session and at either a special election called for that purpose or at any general or special election. Petitions for the submission of any amendment shall be filed with the legislative body of the city or city and county not less than sixty days prior to the general election next preceding a regular session of the Legislature. The signatures on such petitions shall be verified by the authority having charge of the registration records of such city or city and county, and the expenses of such verification shall be provided by the legislative body thereof. If such petitions have a sufficient number of signatures the legislative body of the city or city and county shall so submit the amendment or amendments so proposed to the electors. Amendments proposed by the legislative body and amendments proposed by petition of the electors may be submitted the same election. The amendments so submitted shall be advertised in the same

manner as herein provided for the advertisement of a proposed Charter, and the election thereon held at a date to be fixed by the legislative body of such city, not less than forty and not more than sixty days after the completion of the advertising in the official paper. If a majority of the qualified voters voting on any such amendment vote in favor thereof it shall be deemed ratified, and shall be submitted to the Legislature at the regular session next following such election; and approved or rejected without power of alteration in the same manner as herein provided for the approval or rejection of a Charter. In submitting any such Charter or amendment separate propositions, whether alternative or conflicting, or one included within the other, may be submitted at the same time to be voted on by the electors separately, and, as between those so related, if more than one receive a majority of the votes, the proposition receiving the larger number of votes shall control as to all matters in conflict. It shall be competent in any Charter framed under the authority of this section to provide that the municipality governed thereunder may make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in their several Charters and in respect to other matters they shall be subject to general laws. It shall be competent in any Charter to provide for the division of the city or city and county governed thereby into boroughs or districts, and to provide that each such borough or district may exercise such general or special municipal powers, and to be administered in such manner, as may be provided for each such borough or district in the Charter of the city or city and county.

The percentages of the registered electors herein required for the election of freeholders of the submission of amendments to Charters shall be calculated upon the total vote cast in the city or city and county at the last preceding general State election; and the qualified electors shall be those whose names appear upon the registration records of the same or preceding year. The election laws of such city or city and county shall, so far as applicable, govern all elections held under the authority of this section. (Amended Nov. 3, 1914.)

Sec. 8½. It shall be competent, in all Charters framed under the authority given by section eight of this article to provide, in addition to those provisions allowable by this Constitution and by the laws of the State as follows:

1. For the constitution, regulation, government, and jurisdiction of Police Courts, and for the manner in which, the times at which, and the terms for which the judges of such courts shall be elected or appointed, and for the qualifications and compensation of said judges and of

their clerks and attaches; and for the establishment, constitution, regulation, government and jurisdiction of Municipal Courts, with such civil and criminal jurisdiction as by law may be conferred upon inferior courts; and for the manner in which, the times at which, and the terms for which the judges of such courts shall be elected or appointed, and for the qualifications and compensation of said judges and of their clerks and attaches; provided such Municipal Courts shall never be deprived of the jurisdiction given inferior courts created by general law.

In any city or any city and county, when such Municipal Court has been established, there shall be no other court inferior to the Superior Court; and pending actions, trials, and all pending business of inferior courts within the territory of such city or city and county, upon the establishment of any such Municipal Court, shall be and become pending in such Municipal Court, and all records of such inferior courts shall thereupon be and become the records of such Municipal Court.

2. For the manner in which, the times at which, and the terms for which the members of Boards of Education shall be elected or appointed, for their qualifications, compensation and removal, and for the number which shall constitute any one of such boards.

3. For the manner in which, the times at which, and the terms for which the members of the Boards of Police Commissioners shall be elected or appointed; and for the constitution, regulation, compensation, and government of such boards and of the municipal police force.

4. For the manner in which and the times at which any municipal election shall be held and the result thereof determined; for the manner in which, the times at which and the terms for which the members of all Boards of Election shall be elected or appointed, and for the constitution, regulation, compensation and government of such boards, and of their clerks and attaches, and for all expenses incident to the holding of any election.

It shall be competent in any Charter framed in accordance with the provisions of this section, or section eight of the article, for any city or consolidated city and county, and plenary authority is hereby granted, subject only to the restrictions of this article, to provide therein or by amendment thereto, the manner in which, the method by which, the times at which, and the terms for which the several county and municipal officers and employes whose compensation is paid by such city or city and county, excepting Judges of the Superior Court, shall be elected or appointed, and for their recall and removal, and for their compensation, and for the number of deputies, clerks and other employes that each shall



have, and for the compensation, method of appointment, qualifications, tenure of office and removal of such deputies, clerks and other employes. All provisions of any Charter of any such city or consolidated city and county, heretofore adopted, and amendments thereto, which are in accordance herewith, are hereby confirmed and declared valid.

5. It shall be competent in any Charter or amendment thereof, which shall hereafter be framed under the authority given by section eight of this article, by any city having a population in excess of 50,000 ascertained as prescribed by said section eight, to provide for the separation of said city from the county of which it has theretofore been a part and the formation of said city into a consolidated city and county to be governed by such Charter, and to have combined powers of a city and county, as provided in this Constitution for consolidated city and county government, and further to prescribe in said Charter the date for the beginning of the official existence of said consolidated city and county.

It shall also be competent for any such city, not having already consolidated as a city and county to hereafter frame, in the manner prescribed in section eight of this article, a Charter providing for a city and county government, in which Charter there shall be prescribed territorial boundaries which may include contiguous territory not included in such city, which territory, however, must be included in the county within which such city is located.

If no additional territory is proposed to be added, then upon the consent to the separation of any such city from the county in which it is located, being given by a majority of the qualified electors voting thereon in such county and upon the ratification of such Charter by a majority of the qualified electors voting thereon in such city, and the approval thereof by the Legislature, as prescribed in section eight of this article, said Charter shall be deemed adopted and upon the date fixed therein said city shall be and become a consolidated city and county.

If additional territory which consists wholly of only one incorporated city or town, or which consists wholly of unincorporated territory, is proposed to be added, then, upon the consent to such separation of such territory and of the city initiating the consolidation proposal being given by a majority of the qualified electors voting thereon in the county in which the city proposing such separation is located, and upon the ratification of such charter by a majority of the qualified electors voting thereon in such city so proposing the separation, and also upon the approval of the proposal hereinafter set forth, by a majority of the qualified electors voting thereon in the whole of such additional territory, and

the approval of said Charter by the Legislature, as prescribed in section eight of this article, said Charter shall be deemed adopted, the indebtedness hereinafter referred to shall be deemed to have been assumed, and upon the date fixed in said Charter such territory and such city shall be and become one consolidated city and county.

The proposal to be submitted to the territory proposed to be added shall be substantially in the following form and submitted as one indivisible question:

"Shall the territory (herein designated in general terms the territory to be added) consolidate with the city of (herein insert name of the city initiating the proposition to form a city and county government) in a consolidated city and county government, and shall the Charter as prepared by the city of (herein insert the name of the city initiating such proposition) be adopted as the Charter of the consolidated city and county, and shall the said added territory become subject to taxation along with the entire territory of the proposed city and county, in accordance with the assessable valuation of the property of the said territory, for the following indebtedness of said city (herein insert name of the city initiating such proposition) to wit: (herein insert in general terms reference to any debts to be assumed, and if none insert 'none')."

If additional territory is proposed to be added, which includes unincorporated territory and one or more incorporated cities or towns, or which includes more than one incorporated city or town, the consent of any such incorporated city or town shall be obtained by a majority vote of the qualified electors thereof voting upon a proposal substantially as follows:

"Shall (herein insert the name of the city or town to be included in such additional territory) be included in a district to be hereafter defined by the city of (herein insert the name of the city initiating the proposition to form a city and county government) which district shall, within two years from the date of this election, vote upon a proposal submitted as one indivisible question that such district to be then described and set forth shall consolidate with (herein insert name of the city initiating said consolidation proposition) in a consolidated city and county government, and also that a certain Charter, to be prepared by the city of (herein insert name of the city initiating such proposition) be adopted as the Charter of such consolidated city and county, and that such district become subject to taxation along with the entire territory of the proposed city and county in accordance with the assessable valuation of the property of said district for the following indebtedness of said city of (herein insert name of the city initiating such proposition) to

wit: (herein insert in general terms, reference to any debts to be assumed and if none insert 'none')."

Any and all incorporated cities or towns to which the foregoing proposal shall have been submitted and a majority of whose qualified electors voting thereon shall have voted in favor thereof, together with such unincorporated territory as the city initiating such consolidation proposal may desire to have included, the whole to form an area contiguous to said city, shall be created into a district by such city, and the proposal substantially as above prescribed to be used when the territory proposed to be added consists wholly of only one incorporated city or town, or wholly of unincorporated territory, shall, within two years, be submitted to the voters of said entire district as one indivisible question.

Upon consent to the separation of such district and of the city initiating the consolidation proposal being given by a majority of the qualified electors voting thereon in the county in which the city proposing such separation is located, and upon the ratification of such Charter by a majority of the qualified electors voting thereon in such city, and upon the approval of the proposal hereinbefore set forth by a majority of the qualified electors voting thereon in the whole of the said district so proposed to be added, and upon the approval of said Charter by the Legislature, as prescribed in section eight of this article, said Charter shall be deemed adopted, the said indebtedness referred to in said proposal shall be deemed to have been assumed, and upon the date fixed in said Charter, such district and such city shall be and become one consolidated city and county.

6. It shall be competent for any consolidated city and county now existing, or which shall hereafter be organized, to annex territory contiguous to such consolidated city and county, unincorporated or otherwise, whether situated wholly in one county, or parts thereof be situated in different counties, said annexed territory to be an integral part of such city and county, provided that such annexation of territory shall only include any part of the territory which was at the time of the original consolidation of the annexing city and county, within the county from which such annexing city and county was formed, together with territory which was concurrently, or has since such consolidation been joined in a county government with the area of the original county not included in such consolidated city and county.

If additional territory, which consists wholly of only one incorporated city, city and county or town, or which consists wholly of unincorporated territory, is proposed to be annexed to any consolidated city and county now existing or which shall hereafter be organized, then, upon the consent to any such annexation being given by a

majority of the qualified electors voting thereon in any county or counties in which any such additional territory is located, and upon the approval of such annexation proposal by a majority of the qualified electors voting thereon in such city and county, and also upon the approval of the proposal hereinafter set forth by a majority of the qualified electors voting thereon in the whole of such territory proposed to be annexed, the indebtedness hereinafter referred to shall be deemed to have been assumed, and at the time stated in such proposal, such additional territory and such city and county shall be and become one consolidated city and county, to be governed by the Charter of the city and county proposing such annexation, and any subsequent amendment thereto.

The proposal to be submitted to the territory proposed to be annexed, shall be substantially in the following form and submitted as one indivisible question:

"Shall the territory (herein designate in general terms the territory to be annexed) consolidate with the city and county of (herein insert the name of the city and county initiating the annexation proposal) in a consolidated city and county government, said consolidation to take effect (herein insert date when such consolidation shall take effect) and shall the said annexed territory become subject to taxation, as an integral part of the city and county so formed, in accordance with the assessable valuation of property of said territory for the following indebtedness of said city and county of (herein insert name of the city and county) to wit: (herein insert in general terms, reference to any debts to be assumed and if none insert 'none')."

If additional territory including unincorporated territory and one or more incorporated cities, cities and counties, or towns, or including more than one incorporated city, city and county, or town, is proposed to be annexed to any consolidated city and county now existing or which shall hereafter be organized, the consent of each such incorporated city, city and county, or town, shall be obtained by a majority vote of the qualified electors of any such incorporated city, city and county, or town, voting upon a proposal substantially as follows:

"Shall (herein insert name of the city, city and county, or town, to be included in such annexed territory) be included in a district to be hereafter defined by the city and county of (herein insert the name of the city and county initiating the annexation proposal) which district shall within two years from the date of this election vote upon a proposal submitted as one indivisible question, that such district to be then described and set forth shall consolidate with (herein insert name of the city and county initiating the annexation proposal) in a consoli-

dated city and county government, and that such district become subject to taxation, along with the entire territory of the proposed city and county in accordance with the assessable valuation of the property of said district for the following indebtedness of said city and county of (herein insert name of the city and county initiating the annexation proposal) to wit: (herein insert in general terms, reference to any debts to be assumed and if none insert 'none')."

Any and all incorporated cities, cities and counties, or towns, to which the foregoing proposal shall have been submitted, and a majority of whose qualified electors voting thereon shall have voted in favor thereof, together with such unincorporated territory as the city and county initiating such annexation proposal may desire to have included, the whole to form an area contiguous to said city and county, shall be created into a district by said city and county, and the proposal substantially in the form above set forth to be used when the territory proposed to be added consists wholly of only one incorporated city, city and county, or town, or wholly of unincorporated territory, shall, within said two years, be submitted to the voters of said entire district as one indivisible question.

Upon consent to any such annexation being given by a majority of the qualified electors voting thereon in any county or counties in which any such territory proposed to be annexed to said city and county is located, and upon the approval of any such annexation proposal by a majority of the qualified electors voting thereon in such city and county proposing such annexation, and also upon the approval of the proposal hereinbefore set forth by a majority of the qualified electors voting thereon in the whole of the district so proposed to be annexed, then, the said indebtedness referred to in said proposal shall be deemed to have been assumed, and upon the date stated in such annexation proposal such district and such city and county shall be and become one consolidated city and county, to be governed by the Charter of the city and county proposing such annexation, and any subsequent amendment thereto.

Whenever any proposal is submitted to the electors of any county, territory, district, city, city and county, or town, as above provided, there shall be published, for at least five successive publications in a newspaper of general circulation printed and published in any such county, territory, district, city, city and county, or town, the last publication to be not less than twenty days prior to any such election, a particular description of any territory or district to be separated, added, or annexed, together with a particular description of any debts to be assumed, as above referred to, unless

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such particular description is contained in the said proposal so submitted. In addition to said description, such territory shall also be designated in such notice by some appropriate name or other words of identification, by which such territory may be referred to and indicated upon the ballots to be used at any election at which the question of annexation or consolidation of additional territory is submitted as herein provided. If there be no such newspaper so printed and published in any such county, territory, district, city, city and county, or town, then such publication may be made in any newspaper of general circulation printed and published in the nearest county, city, city and county, or town where there may be such a newspaper so printed and published.

If, by the adoption of any Charter, or by annexation, any incorporated municipality becomes a portion of a city and county, its property, debts and liabilities of every description shall be and become the property, debts and liabilities of such city and county.

Every city and county which shall be formed, or the territory of which shall be enlarged as herein provided from territory taken from any county or counties, shall be liable for a just proportion of the debts and liabilities and be entitled to a just proportion of the property and assets of such county or counties, existing at the time such territory is so taken.

The provisions of this Constitution applicable to cities, and cities and counties, and also those applicable to counties, so far as not inconsistent or prohibited to cities, or cities and counties, shall be applicable to such consolidated city and county government; and no provision of subdivision 5 or 6 of this section shall be construed as a restriction upon the plenary authority of any city or city and county having a Freeholders' Charter, as provided for in this Constitution, to determine said Charter any and all matters elsewhere in this Constitution authorized and not inconsistent herewith.

The Legislature shall provide for the formation of one or more counties from the portion or portions of a county or counties remaining after the formation of or annexation to a consolidated city and county, or for the transfer of such portion or portions of such original county or counties to adjoining counties. But such transfer to an adjoining county shall only be made after approval by a majority vote of the qualified electors voting thereon in such territory proposed to be so transferred.

The provisions of section two of this article, and also those provisions of section three of this article which refer to the passing of any county line within five miles of the exterior boundary of a city or town in which a

county seat of any county proposed to be divided is situated, shall not apply to the formation of, nor to the extension of the territory of such consolidated cities and counties, nor to the formation of new counties, nor to the annexation of existing counties, as herein specified.

Any city and county formed under this section shall have the right, if it so desires, to be designated by the official name of the city initiating the consolidation as it existed immediately prior to its adoption of a Charter providing for a consolidated city and county government, except that such city and county shall be known under the style of a city and county.

It shall be competent in any Charter framed for a consolidated city and county, or by amendment thereof, to provide for the establishment of a borough system of government for the whole or any part of the territory of said city and county, by which one or more districts may be created therein, which districts shall be known as boroughs and which shall exercise such municipal powers as may be granted thereto by such Charter, and for the organization, regulation, government and jurisdiction of such boroughs.

No property in any territory hereafter consolidated with or annexed to any city or city and county shall be taxed for the payment of any indebtedness of such city or city and county outstanding at the date of such consolidation or annexation and for the payment of which the property in such territory was not, prior to such consolidation or annexation, subject to such taxation, unless there shall have been submitted to the qualified electors of such territory the proposition regarding the assumption of indebtedness as hereinbefore set forth and the same shall have been approved by a majority of such electors voting thereon.

7. In all cases of annexation of unincorporated territory to an incorporated city, or the consolidation of two or more incorporated cities, assumption of existing bonded indebtedness by such unincorporated territory or by either of the cities so consolidating may be made by a majority vote of the qualified electors voting thereon in the territory or city which shall assume an existing bonded indebtedness. This provision shall apply whether annexation or consolidation is effected under this section or any other section of this Constitution, and the provisions of section eighteen of this article shall not be a prohibition thereof.

The Legislature shall enact such general laws as may be necessary to carry out the provisions of this section and such general or special laws as may be necessary to carry out the provisions of subdivisions 5 and 6 of this section, including any such general or special act as may be necessary to permit a consolidated city and county to

submit a new Charter to take effect at the time that any consolidation, by reason of annexation to such consolidated city and county, takes effect, and also, any such general law or special act as may be necessary to provide for any period after such consolidation, by reason of such annexation, takes effect, and prior to the adoption and approval of any such new Charter. (Amended Nov. 3, 1896. Oct. 10, 1911. Nov. 3, 1914.)

## ARTICLE XX.

### Number of Votes Necessary to Constitute a Choice.

Sec. 13. A plurality of the votes given at any election shall constitute a choice where not otherwise directed in this Constitution, provided that it shall be competent in all charters of cities, counties or cities and counties framed under the authority of this Constitution to provide the manner in which their respective elective officers may be elected and to prescribe a higher proportion of the vote therefor, and provided also, that it shall be competent for the Legislature by general law to provide the manner in which officers of municipalities organized or incorporated under general laws may be elected and to prescribe a higher proportion of the vote therefor. (Amended October 10, 1911.)

## ARTICLE XXIII.

### Recall of Public Officials.

Recall of  
elective officers

Section 1. Every elective public officer of the State of California may be removed from office at any time by the electors entitled to vote for a successor of such incumbent, through the procedure and in the manner herein provided for, which procedure shall be known as the recall, and is in addition to any other method of removal provided by law.

Procedure

The procedure hereunder to effect the removal of an incumbent of an elective public office shall be as follows: A petition signed by electors entitled to vote for a successor of the incumbent sought to be removed, equal in number to at least twelve per cent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies (provided that if the officer sought to be removed is a state officer who is elected in any political subdivision of the State, said petition shall be signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty per cent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought



to be removed occupies) demanding an election of a successor to the officer named in said petition, shall be addressed to the Secretary of State and filed with the clerk, or Registrar of Voters, of the county or city and county in which the petition was circulated; provided, that if the officer sought to be removed was elected in the State at large such petition shall be circulated in not less than five counties of the State, and shall be signed in each of such counties by electors equal in number to not less than one per cent of the entire vote cast, in each of said counties, at said election, as above estimated. Such petition shall contain a general statement of the grounds on which the removal is sought, which statement is intended solely for the information of the electors, and the sufficiency of which shall not be open to review.

When such petition is certified as is herein provided to the Secretary of State, he shall forthwith submit the said petition, together with a certificate of its sufficiency, to the Governor, who shall thereupon order and fix a date for holding the election, not less than sixty days nor more than eighty days from the date of such certificate of the Secretary of State.

The Governor shall make or cause to be made publication of notice for the holding of such election, and officers charged by law with duties concerning elections shall make all arrangements for such election and the same shall be conducted, returned, and the result thereof declared, in all respects as are other state elections. On the official ballot at such election shall be printed, in not more than two hundred words, the reasons set forth in the petition for demanding his recall. And in not more than three hundred words there shall also be printed, if desired by him, the officer's justification of his course in office. Proceedings for the recall of any officer shall be deemed to be pending from the date of the filing with any county, or city and county clerk, or Registrar of Voters, of any recall petition against such officer; and if such officer shall resign at any time subsequent to the filing thereof, the recall election shall be held notwithstanding such resignation, and the vacancy caused by such resignation, or from any other cause, shall be filled as provided by law, but the person appointed to fill such vacancy shall hold his office only until the person elected at the said recall election shall qualify.

Notice of election

Any person may be nominated for the office which is to be filled at any recall election by a petition signed by electors, qualified to vote at such recall election, equal in number to at least one per cent of the total number of votes cast at the last preceding election for all candidates for the office which the incumbent sought to be removed

occupies. Each such nominating petition shall be filed with the Secretary of State not less than twenty-five days before such recall election.

Ballot

There shall be printed on the recall ballot, as to every officer whose recall is to be voted on thereat, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?" following which question shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each, in which the voter shall indicate, by stamping a cross (X), his vote for or against such recall. On such ballots, under each such question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled, in case he shall be removed from office by said recall election; but no vote cast shall be counted for any candidate for said office unless the voter also voted on said question of the recall of the person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If a majority of those voting on said question of the recall of any incumbent from office shall vote "No," said incumbent shall continue in said office. If a majority shall vote "Yes," said incumbent shall thereupon be deemed removed from such office, upon the qualification of his successor. The canvassers shall canvass all votes for candidates for said office and declare the result in like manner as in a regular election. If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be thereby declared elected for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within ten days after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law.

Petition may be  
in sections

Any recall petition may be presented in sections, but each section shall contain a full and accurate copy of the title and text of the petition. Each signer shall add to his signature his place of residence, giving the street and number, if such exist. His election precinct shall also appear on the paper after his name. The number of signatures appended to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified elector of the State shall be competent to solicit such signatures within the county, or city and county, of which he is an elector. Each section of the petition shall bear the name of the county, or city and county in which it is circulated, and only qualified electors of such county or city and county shall be competent to sign such section. Each section shall have attached thereto the affi-

davit of the person soliciting signatures to the same stating his qualifications and that all the signatures to the attached section were made in his presence and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be; and no other affidavit thereto shall be required. The affidavit of any person soliciting signatures hereunder shall be verified free of charge by any officer authorized to administer an oath. Such petition so verified shall be prima facie evidence that the signatures thereto appended are genuine and that the persons signing the same are qualified electors. Unless and until it is otherwise proven upon official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of electors. Each section of the petition shall be filed with the clerk, or Registrar of Voters, of the county or city and county in which it was circulated; but all such sections circulated in any county or city and county shall be filed at the same time. Within twenty days after the date of filing such petition, the clerk, or the Registrar of Voters, shall finally determine from the records of registration what number of qualified electors have signed the same; and, if necessary, the Board of Supervisors shall allow such clerk or Registrar additional assistants for the purpose of examining such petition and provide for their compensation. The said clerk or Registrar, upon the completion of such examination, shall forthwith attach to such petition his certificate, properly dated, showing the result of such examination, and submit said petition, except as to the signatures appended thereto, to the Secretary of State and file a copy of said certificate in his office. Within forty days from the transmission of the said petition and certificate by the clerk or Registrar of Voters to the Secretary of State, a supplemental petition, identical with the original as to the body of the petition but containing supplemental names, may be filed with the clerk or Registrar of Voters, as aforesaid. The clerk or Registrar of Voters shall within ten days after the filing of such supplemental petition make like examination thereof as of the original petition, and upon the conclusion of such examination shall forthwith attach to such petition his certificate, properly dated, showing the result of such examination, and shall forthwith transmit such supplemental petition, except as to the signatures thereon, together with his said certificate, to the Secretary of State.

When the Secretary of State shall have received from one or more County Clerks, or Registrars of Voters, a petition certified as herein provided to have been signed by the requisite number of qualified electors, he shall forthwith transmit to the County Clerk or Registrar of

Voters of every county or city and county in the State a certificate showing such fact; and such Clerk or Registrar of Voters shall thereupon file said certificate for record in his office.

A petition shall be deemed to be filed with the Secretary of State upon the date of the receipt by him of a certificate or certificates showing the said petition to be signed by the requisite number of electors of the State.

No recall petition shall be circulated or filed against any officer until he has actually held his office for at least six months; save and except it may be filed against any member of the State Legislature at any time after five days from the convening and organizing of the Legislature after his election.

If at any recall election the incumbent whose removal is sought is not recalled, he shall be repaid from the State treasury any amount legally expended by him as expenses of such election, and the Legislature shall provide appropriation for such purpose, and no proceedings for another recall election of said incumbent shall be initiated within six months after such election.

If the Governor is sought to be removed under the provisions of this article, the duties herein imposed upon him shall be performed by the Lieutenant Governor; and if the Secretary of State is sought to be removed, the duties herein imposed upon him shall be performed by the State Controller; and the duties herein imposed upon the clerk or Registrar of Voters, shall be performed by such Registrar of Voters in all cases where the office of Registrar of Voters exists.

The recall shall also be exercised by electors of each county, city and county, city and town of the State, with reference to the elective officers thereof, under such procedure as shall be provided by law.

Until otherwise provided by law, the legislative body of any such county, city and county, city or town may provide for the manner of exercising such recall powers in such counties, cities and counties, cities and towns, but shall not require any such recall petition to be signed by electors more in number than twenty-five per cent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies. Nothing herein contained shall be construed as affecting or limiting the present or future powers of cities or counties or cities and counties having charters adopted under the authority given by the Constitution.

In the submission to the electors of any petition proposed under this article all officers shall be guided by the general laws of the State, except as otherwise herein provided.

Officer must be in office at least 6 months

Officer not recalled to be repaid for expenses

Recall to be exercised by counties and cities

This article is self-executing, but legislation may be enacted to facilitate its operation, but in no way limiting or restricting the provisions of this article or the powers herein reserved.

## POLITICAL CODE.

### Time of Holding Elections.

Section 1041. There must be held throughout the State on the first Tuesday after the first Monday in November, in the year eighteen hundred and eighty, and in every second year thereafter, an election to be known as the general election. (In effect April 16, 1880.)

General  
Election

Sec. 1043. Special elections are such as are held to supply vacancies in any office, and are held at such times as may be designated by the proper board or officer.

Special  
Election

Sec. 1044. Except in the particulars or cases otherwise provided for in the constitution or laws of the State or by the provisions of a freeholder charter duly adopted or amended pursuant to the Constitution of this State, all municipal elections, where the same are held separate from State elections, and all elections held under the authority of section eight of article eleven of the constitution, to elect boards of freeholders, or to vote upon proposed charters, or upon amendments to existing charters, and all other special elections including all special elections to vote upon or for or against any proposition or question authorized to be submitted to a vote, shall be conducted under the provisions of section 1044, 1120, 1121, 1133 and 1151 of this code. (Approved March 19, 1907, amended April 12, 1911.)

How municipal  
elections are held

### Proclamations.

Sec. 1053. At least thirty days before a general election, and whenever he orders a special election to fill a vacancy in the office of State Senator or member of Assembly, at least ten days before such special election, the Governor must issue an election proclamation under his hand and the Great Seal of the State, and transmit copies thereof to the Boards of Supervisors of the counties in which such elections are to be held. (In effect April 16, 1880.)

Governor  
to issue  
proclamation

### Contents of Proclamation.

Sec. 1054. Such proclamation must contain:

1. A statement of the time of election and of the offices to be filled.

Reward for  
illegal  
voting

2. An offer of rewards, in the following form: "And I do hereby offer a reward of one hundred dollars for the arrest and conviction of any and every person violating any of the provisions of Title IV, Part I, of the Penal Code, such rewards to be paid until the total amount hereafter expended for the purpose reaches the sum of ten thousand dollars."

Supervisors  
to publish  
proclamation

Sec. 1055. The Board of Supervisors, upon the receipt of such proclamation, may, in case of general or special elections, cause a copy of the same to be published in some newspaper printed in the county, if any, and to be posted at each place of election at least ten days before the election; and, in case of special elections to fill a vacancy in the office of State Senator or member of Assembly, the Board of Supervisors, upon receipt of such proclamation, may, in their discretion, cause a copy of the same to be published or posted as hereinbefore provided, except that such publication or posting need not be made for a longer period than five days before such election. (In effect April 16, 1880.)

Proclamations  
by Supervisors

Sec. 1056. Whenever a special election is ordered by the Board of Supervisors, they must issue an election proclamation, containing the statement provided for in subdivision first of section ten hundred and fifty-four, and must publish and post it in the same manner as proclamations issued by the Governor.

Plurality to  
elect

Sec. 1066. The person receiving at any election a plurality of the votes polled for any office to be filled at such election, is elected thereto; provided, that in any city, county or city and county which, by its charter, prescribes for the election of its officers a higher proportion of votes than a plurality, such higher proportion of votes as may be so prescribed shall be necessary for such election; and provided, further, that in any municipality organized or incorporated under general laws, such higher proportion of votes than a plurality as may be prescribed by general law shall be necessary for the election of the officers of such municipality. (Amended December 18, 1911.)

Tie vote  
Special  
election

Sec. 1067. If at any election, except that for Governor or Lieutenant-Governor, two or more persons receive an equal and the highest number of votes, there is no choice, and a special election to fill such office must be ordered by the proper board or officer.

Tie vote.  
Governor  
and Lieut.-  
Governor

Sec. 1068. In case any two or more persons have an equal and highest number of votes for either Governor or Lieutenant-Governor, the Legislature must, by a joint vote of both houses, choose one of the persons to fill such office.

Sec. 1069. Electors are privileged from arrest, except for an indictable offense, during their attendance on the election, and in going to and returning from the same.

Privileged  
from arrest  
when

Sec. 1070. No elector is obliged to perform militia duty on the day of election, except in time of war or public danger.

Free from military  
duty when

Sec. 1071. No fees must be charged for registration, or certificates thereof.

No fees charged  
for registration

Sec. 1072. Each member upon a board of election in any county, or city and county, in the State, and each clerk thereof, shall receive as compensation for his services upon such board a sum not to exceed ten dollars, which sum shall be paid out of the treasury of the county, or city and county in which such persons act. (Approved March 20, 1889.)

Compensation  
of officers of  
Election

Sec. 1072a. It shall be unlawful for any person serving as an election officer, or who has served as an election officer at an election, or who has been appointed to serve as an election officer at any election, to assign or in any manner transfer the compensation which he will receive or be entitled to receive, or to have allowed to him for service as an election officer at any precinct, to any person, persons or corporation, until after the full completion of the election at the precinct, or until after the returns of such election from the precinct where he served as an election officer, have been sealed and delivered to the County Clerk or Registrar of Voters, or postmaster or express agent, as provided by section 1264 of the Political Code, and it shall be unlawful for any person, persons or corporation, or their agent or servant, to either directly or indirectly receive any such assignment or transfer, or pay or advance any sum of money whatever, to any such election officer or to any person for the use of such election officer, until said election returns have been sealed and delivered as hereinbefore provided. Any person who shall violate any provision of this section shall be guilty of a misdemeanor. (Approved May 1, 1911.)

Sec. 1073. The necessary printed blanks for poll lists, tally lists, lists of voters, oath, and returns, together with envelopes in which to inclose returns, must be furnished by the County Clerk to the officers of each election precinct, at the expense of the county. (Amended April 28, 1915.)

Election  
Stationery  
furnished  
by whom

Sec. 1079. Whenever the clerk, secretary or any other officer of a county, or city, which at the last general State election before this amendment had a registration of over one hundred and twenty-five thousand voters, or of any city and county, is charged with the performance of any

Expenditures in  
respect to  
elections

official duty, in respect to elections, which involves the expenditure of public moneys, such expenditures shall be subject to the control and supervision of the Board of Election Commissioners; and when any printing or other service is to be performed, or materials are to be furnished, the amount of which in the aggregate shall exceed the value of five hundred dollars, it shall be the duty of the Board of Election Commissioners to invite proposals for the work, or the furnishing of the materials, and to let the contract for the same to the lowest responsible bidder therefor, in the same manner and upon the same conditions as is required in the letting of contracts for doing other and similar work or furnishing other and similar materials, for such county, city, or city and county purposes; provided, that no such proposal or bid shall be required for the contract to print ballots or the printed index of the precinct registers, or the tally lists, if, in the judgment of the County Clerk or Registrar of Voters, the time within which such ballots or index must be had does not reasonably admit of such proposal and bid, or where an emergency requires the immediate performance of a duty relating to the management or conduct of an election and delay in the performance of such duty might imperil the holding of the election at the time and in the manner provided by law; and provided, further, that in any consolidated city and county having a freeholder charter providing for a system of Civil Service, the Election Commission may make appointments of persons to perform work or service as laborers, mechanics, artisans or machinists in accordance with the provisions of such Civil Service, and provide for proper compensation therefor, whenever service of such nature is found necessary with respect to any election or elections. (Amended April 12, 1911; amended April 28, 1915.)

### Qualifications and Disabilities of Electors.

Qualification  
of voter

Sec. 1083. Every native citizen of the United States, every person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been a resident of the State one year next preceding the election, and of the county in which he or she claims his or her vote ninety days, and in the election precinct thirty days, and who has conformed to the law governing the registration of voters, shall be a qualified elector at any and all elections held within the county, city and county, city, town, or district within which such elector resides. (Amended January 1, 1900; December 27, 1911, and May 27, 1913.)



By the new Constitution (Article 2, Section 1), residence in \* \* \* \* \* election precinct for thirty days preceding the election is just as essential a condition of the right to vote as is residence in the county for ninety days, and in the State for one year. (83 Cal., 70.)

Sec. 1083a. Wherever, by the Constitution or laws of this State, any initiative, referendum, recall or nominating petition or paper, or any petition or paper, is required to be signed by qualified electors, only an elector who is a registered qualified elector at the time he signs such petition or paper shall be entitled to sign the same, and no elector shall be entitled to sign any such petition or paper on or after the first day of January of an even-numbered year unless he shall, on or since said first day of January, have made an affidavit of registration as required by law. Such signer shall at the time of so signing such petition or paper affix thereto the date of such signing. Wherever, by the Constitution or laws of this State, the County Clerk or Registrar of Voters is required to determine from the records of registration what number of qualified electors have signed such petition or paper, he shall determine that fact with respect to the purported signature of any person from the affidavit of registration, and records relating thereto, current and in effect at the date of such signing of such petition or paper. (Approved May 27, 1913. Amended April 28, 1915.)

Signatures to  
referendum,  
initiative and  
recall petitions

Sec. 1083b. Whenever the County Clerk or Registrar of Voters is required by law to examine the signatures upon any nomination paper or petition of any candidate for a municipal office, he is hereby empowered to employ the necessary help for said examination to be paid by such municipality a sum not to exceed three dollars per day for each person so employed in such examination. (Approved April 28, 1915.)

Examination of  
petitions by whom  
paid

Sec. 1084. No native of China, no idiot, insane person, or person convicted of any infamous crime, and no person hereafter convicted of the embezzlement or misappropriation of public money shall ever exercise the privilege of an elector. (In effect April 16, 1880.)

Who are not  
qualified to  
vote

### Register.

Sec. 1094. There shall be, in each even-numbered year, to continue for two years, except as hereinafter provided, in each county and city and county of the State, a new and complete registration of the voters of such county or city and county, who are entitled thereto. Such registration shall begin on the first day of January of such years, and shall be in progress at all times except during the thirty days immediately preceding any election, when it shall cease for such election as to electors residing in

New regis-  
tration

the territory within which such election is to be held; and transfers of registration for such election may be made from one precinct to another precinct in the same county or city and county at any time when such registration shall be in progress in the precinct to which the elector seeks to transfer; provided, that where any general or special municipal election, or any other special election, including any primary election and all special elections to vote for officers, or upon or for or against any proposition or question authorized to be submitted to a vote, is held on or after the first day of January and before the first day of April of any even-numbered year, the original affidavits of registration and indexes used in the last general State election in any county or city and county in this State, together with the original affidavits of registration since the last election, and supplemental indexes, showing all additional registrations, changes and corrections made since the registration for the last general election, completed to and including the thirty-first day prior to said election then being held, may be used at such election to determine the persons entitled to vote thereat. All affidavits of registration made prior to the first day of January of any even-numbered year shall be deemed canceled upon said day except for the sole purpose of being used as hereinbefore stated at elections held thereafter and before the first day of April of that year, and shall on said last mentioned day be deemed canceled for all purposes. The board having charge and control of elections in each county or city and county, may provide by resolution, for the registration of voters **in their respective** precincts, by the officer charged with the registration of voters, and may also provide by resolution for the registration of voters at specified times and places, other than the office of the County Clerk or Registrar of Voters, deemed most convenient to large numbers of voters, without reference to respective or particular precincts, in such a manner that the affidavits of registration as provided by law may be taken at such time and place, of any voter within the county who is entitled to register therein; provided, however, that in any city and county where the registration at the last preceding Presidential election exceeded eighty-five thousand, no registration outside of the main office of the officer charged with the registration of voters shall be had except that which is without reference to particular precincts as last specified herein; and provided, further, that in any such city and county such registration without regard to particular precincts outside of the main office of the officer charged with the registration of voters, must be had in at least one place in each assembly district in such city and county for a

Use of Original  
affidavits

When affidavits are  
deemed canceled

When registration  
is had outside  
main office

period of not less than five days, exclusive of Sundays, next immediately preceding the close of registration for the August primary election provided for by State law, and said registration places shall be and remain open at least from ten o'clock a. m. to ten o'clock p. m. of each of said days; provided, further, that any registration which may be made at the main office for registration in any such city and county may be made in any of the places provided for registration in the assembly districts therein; and provided, further, that such other places of general registration, in addition to and other than those above specified, shall be provided in any such city and county as may be necessary for the proper and full registration of the voters thereof and such places of registration shall be provided at such times, for such length of time, and in such places as the board having control of registration in any such city and county may provide. Upon the written request of the officer charged with the registration of voters, which request said officer shall make upon petition from any ten electors of the county, such petition to specify the premises from which lists are desired, every landlord or keeper of premises where lodgers abide, shall furnish said officer a list of all lodgers occupying rooms, or sleeping apartments, or beds in the premises under his or her or its control. Such lists shall be furnished upon blanks provided by said officer. Any landlord or keeper of premises where lodgers abide, who neglects or refuses to comply promptly with the provisions of this section or who furnishes a false list of such lodgers, shall be guilty of a misdemeanor. All lists so returned shall be kept on file in the office of the officer receiving same, open to public inspection. It shall be the duty of said officer to compile a list of such persons, if there are any, who are registered as residing in any of these premises and whose names are not returned in the lists furnished by the landlord or keeper thereof. At least three days before the date of the next succeeding election, in any precinct where such premises are located, said officer shall send by registered mail to the inspector of election in said precinct a certified copy of the list he has thus prepared, with instructions to challenge the vote of each and all such persons if offered at the election, under subdivision five of section twelve hundred thirty of the Political Code. Whenever in the laws of this State the word "register" or "great register" is used with relation to elections, it shall be deemed to mean and include the relative and proper affidavits of registration, or both thereof, prepared and bound by the County Clerk or Registrar of Voters. (Amended May 1, 1911; January 12, 1912; June 16, 1913; April 28, 1915.)

List to  
inspectors for  
challenge

List to  
inspectors for  
challenge

Clerk to enter  
names of  
qualified  
voters

Sec. 1095. In the affidavits of registration the clerk must, as hereinafter provided, enter in duplicate the names of the qualified electors of the county, and the provisions of section one thousand and ninety-six of this code are hereby declared to be mandatory. Any officer charged with the registration of voters who neglects or refuses to make all the entries provided for in section one thousand and ninety-six of the Political Code, or neglects or refuses to take the oath of the voter applying to him for registration in respect to the same, shall, upon conviction, be deemed guilty of a misdemeanor for each and every omission. (Approved March 20, 1903, amended April 12, 1911.)

Penalty

Original and  
duplicate  
affidavits

Sec. 1095a. The clerk or other person charged with the registration of voters, must provide blank forms for the affidavits of registration, which forms shall be bound and consist of originals and duplicates. Each original together in books or pads of one hundred sheets each, shall be attached to a stub by a perforated line, and each original and duplicate shall bear a distinctive number, which shall be in addition to the registration number of the voter. Said number shall appear on the original and duplicate sheet, and also on the stub to which they are attached, and the numbering shall begin with 1 and continue in a sequence until all of the blanks provided shall be numbered. The numbering shall begin anew with each new registration. The stubs shall contain a line for the name, and spaces for the address and precinct of the person registered. Each deputy clerk, deputy registrar or registration clerk shall receipt to the clerk or registrar for all books or pads issued to him, specifying the numbers of the affidavits received by him, and he shall be charged with the same until he returns and files the same. When an elector is registered, his name, address, and precinct shall be noted on the stub attached to the original, and if for any cause the affidavit is spoiled in the course of making it out, or a mistake therein is made, the same must not be removed from the pad, or book, but the name of the elector for whom it was intended, with his address and precinct must be entered on the stub, as in other cases, and the stubs and affidavits each marked with the word "Spoiled" in red ink. When the registration for any election is closed, all deputies or registration clerks must, immediately thereafter, return all affidavits of registration, and all books or pads in their possession containing stubs, spoiled or unused affidavit blanks; and within ten days after the close of such registration the clerk, or registrar of voters must report to the district attorney of the county, or city and county, under oath, the names of his deputies, if any,

Deputies to be  
charged with  
blanks

Spoiled  
affidavits

Accounting  
for blanks at  
close of  
registration

who have not complied with the provisions of this section; and it shall be the duty of the district attorney to forthwith begin a criminal prosecution against such deputies or registration clerks as shall not have complied with the provisions of this section. Any deputy, or person having charge of affidavits of registration, who shall wilfully, or by gross carelessness, neglect, fail, or refuse to comply with the provisions of this section, shall be guilty of a misdemeanor. (Approved January 22, 1912.)

### Affidavit.

Sec. 1096. The affiant making the affidavit of registration must be at least twenty-one years of age at the time of the next succeeding election; a citizen of the United States ninety days prior to such election; a resident of the State one year, of the county ninety days, and of the precinct thirty days next preceding such election and the affidavit must show such facts. It shall also show:

Affidavit of  
registration

1. The name at length, including Christian or given name, and middle name, or initial, if any, said Christian or given name, if the name of a woman, to be preceded in all cases by the designation of Miss or Mrs., as the case may be.

2. The place of residence and post office address with sufficient particularity to identify the same and determine therefrom the voting precinct of such affiant. If the elector be not the proprietor or head of the house, or the wife or husband of such proprietor, then it must show upon what floor thereof, and what room such elector occupies in such house.

3. The occupation of affiant.

4. The height of affiant in feet and inches.

5. The country or State of nativity of affiant.

6. If foreign born, how citizenship was acquired; whether by citizenship of father, by provisions of a treaty or Act of Congress, by order of a court of naturalization, by marriage to a citizen, by naturalization of a parent or husband, or otherwise. The date or year when, and the place or State where affiant became a citizen, shall be shown, except in the case of citizenship acquired by citizenship or naturalization of parents, by treaty, or by Act of Congress. When citizenship depends upon the citizenship or naturalization of parent or husband the name of such parent or husband shall appear.

7. The fact whether or not the elector desiring to be registered is able to read the Constitution in the English language and to write his or her name, and whether or not the elector has any physical disability, by reason of

which he or she can not mark the ballot; and if he or she can not mark the ballot by reason of physical disability, then the nature of such disability must be entered. The affiant, if able to write, shall sign such affidavit with his or her customary signature and the County Clerk or Registrar before whom such affidavit is made shall insert therein the date of such affidavit, which shall be the date of the jurat. (Amended January 2, 1900; April 12, 1911; January 9, 1912; June 14, 1913; April 28, 1915.)

### Registration.

Sec. 1097. Subdivision 1. No person shall be registered as an elector except by affidavit of registration. Such affidavit must be made before the County Clerk or officer charged with the registration of voters, or their deputy or registration clerk and shall set forth all the facts required to be shown in sections one thousand and ninety-six and one thousand and ninety-seven of the Political Code. If an elector is absent from the county in which he or she claims residence, he or she may appear before any judge or clerk of any court of record, or notary public, or if in a foreign country, before any minister, consul, or vice-consul of the United States, and may make and subscribe an affidavit as to his or her residence, specifying in what ward or precinct he or she claims residence; that he or she will be necessarily and unavoidably absent from said county, or city and county, on all the days allowed by law for general registration of electors, and setting forth in such affidavit each and all the matters required by sections one thousand and ninety-six and one thousand and ninety-seven of the Political Code of the State of California, and forward such affidavit, in duplicate, duly authenticated as above, by mail, enclosed in an envelope addressed to the County Clerk of any county, or the Registrar of Voters in any county or city and county in which he or she claims to be an elector. Upon receipt of such affidavit by such Clerk or Registrar of Voters within the time allowed by law for registration, the said affidavit shall be entered and bound by the Clerk in the proper register in such precinct.

Sub. 2. No foreign born person shall be registered unless:

a. If a naturalized citizen, upon the production of his or her certificate of naturalization or upon the production of a certificate of registration in the county of his or her last residence in the State, showing the date and place of naturalization, or upon his or her affidavit stating date and place of naturalization; provided, that any person

Requirements for  
registration

Citizen naturalized  
by Court

Absent from  
county  
requirements

Foreign born

registering for the first time in the State must produce his or her certificate of naturalization.

b. If a citizen by virtue of his or her father being a citizen at the time of his or her birth, upon his or her sworn statement that his or her father was a citizen of the United States at the time of his or her birth and has been a resident thereof. Such statement need not be noted in full upon the affidavit of registration, but the words "I acquired citizenship by the citizenship of my father (naming him)" shall be sufficient.

By citizenship  
of father

c. If a citizen by virtue of the naturalization of his or her parent, upon his or her affidavit that he or she became a citizen by such naturalization of his or her parent, naming such parent, that such naturalization took place during his or her minority and that he or she began to reside permanently in the United States while such minor child. Such statement need not be noted in full upon the affidavit, but the words "I acquired citizenship by my father's (or mother's) naturalization" as the case may be, naming him or her, shall be sufficient.

By virtue of  
naturalization of  
parent

d. If a citizen by virtue of marriage to a citizen, the date and place of such marriage shall be entered upon the affidavit of registration together with the name of the husband.

By virtue of  
marriage to a  
citizen

e. If a citizen by virtue of the naturalization of her husband, the date or year and place of such naturalization together with the name of the husband shall be entered.

By naturalization of  
husband

Sub. 3. In every case the affidavit of the party must show all the facts required to be stated. The Clerk or Registrar of Voters may cause to be written or printed upon the margin of the affidavit, in addition to any matter hereinafter provided for, all such words as are deemed necessary or convenient for the purpose of designating the precinct, district or political subdivision for which such affidavit is taken, or deemed necessary or convenient to indicate any removal or transfer of registration, and also any date or memorandum deemed necessary or convenient to indicate the number of the ballot voted by an elector as provided by Section 1204 of the Political Code, or any other reasonable memoranda deemed necessary or convenient for the purpose of enabling such Clerk or Registrar of Voters to perform his duties in the assorting or classification or handling of such affidavits with correctness and dispatch. Wherever in the following form of affidavit the word "county" is inserted, if the affidavit is for use in a city and county, such last mentioned words may be printed or written in lieu of said word "county." In connection with the place of residence the affidavit may

Affidavit must  
show all facts

have printed either the word "precinct" or the word "street" or the word "avenue," or any or all of such words as the Clerk or Registrar of Voters shall deem most convenient in practical use for the territory in which such affidavits are to be used. In designating the residence of the voter or the post office address it shall not be necessary in either case to repeat the county or city and county or State where the name of said county or city and county or State previously appear. In connection with the statement regarding the citizenship of affiant, the affidavit may have printed in brackets statements of the various methods of acquiring citizenship, and it shall be sufficient to underline, or otherwise mark, with pen and ink, or indelible pencil, that statement applicable to the particular affiant. The words printed in the body of the affidavit, which by reason of statements of the voter are not applicable to such registration, shall not be deemed a portion of such affidavit of registration. The lines to indicate the separation between the margin of the affidavit of registration and the said margin shall be at the top and on the right side of such affidavit, and may be double or single lines in the discretion of the Clerk or Registrar of Voters of the county or city and county or territory for which the affidavit is to be used. The affidavit shall be printed in horizontal lines. Whenever any blank space is left in any line for the entry of any matter the lines shall not be less than one-third of an inch apart vertically. Commencing with the first statement of the affidavit proper each statement shall be numbered immediately at the left of such statement in a numerical sequence, the first statement commencing with Number 1 and so on to the end, but the jurat and space for the signature of the voter need not be numbered. The horizontal width of the affidavit, separate from any and all margin, shall not be less than seven inches, and the margin upon all sides and at top and bottom shall be of such width as may be determined by the Clerk or the Registrar of Voters. The words "affidavit of registration" shall be not less than twenty-four-point black-face type. Pen and ink or indelible pencil must be used in making the portions of the affidavit which are not printed. The matter in the body of the affidavit, where the size of type is not otherwise specified, shall be not less than ten-point plain-faced type, save that words inserted in parentheses, which are for the information or instruction of the deputies or registration clerks, may be in smaller type at the discretion of the County Clerk or Registrar of Voters. Subject to the foregoing provisions

Pen and ink or  
indelible pencil  
may be used



the body of said affidavit shall be substantially in the following form:

## STATEMENT OF TRANSFER OR CHANGE OF NAME.

I am registered under the name of \_\_\_\_\_  
 \_\_\_\_\_ from the following precinct or address  
 \_\_\_\_\_ in this county;  
 for the \_\_\_\_\_, and I hereby authorize the cancellation  
 of my last previous registration in said \_\_\_\_\_.

NAME OR NUMBER OF PRECINCT.

( STATE OF CALIFORNIA ) } ss.  
 ) COUNTY OF ( )

## AFFIDAVIT OF REGISTRATION.

The undersigned affiant, being duly sworn, says I will be at least twenty-one years of age at the time of the next succeeding election, a citizen of the United States ninety days prior thereto, and a resident of the State one year, of the County ninety days, and of the Precinct thirty days next preceding such election, and will be an elector of this County at the next succeeding election.

1. I have not (have) registered from any other precinct in the state since January 1, 1916.\*  
 (Mark out words "have not" or "have" as the case may be, and if applicant has so previously registered, or has previously registered under another name, fill out the appropriate blanks at the top of the affidavit, under "statement of transfer or change of name.")

2. My full name is \_\_\_\_\_  
 (Including christian or given name, and middle name or initial, and in the case of women, the prefix Miss or Mrs.)

3. My residence is \_\_\_\_\_  
 between \_\_\_\_\_ and \_\_\_\_\_ Streets \_\_\_\_\_ Floor \_\_\_\_\_ Room \_\_\_\_\_  
 Post office address at \_\_\_\_\_

4. My occupation is \_\_\_\_\_

5. My height is \_\_\_\_\_ feet \_\_\_\_\_ inches

6. I was born in \_\_\_\_\_ (State or Country)

7. I acquired citizenship by { a. Decree of Court. d. Marriage to a citizen.  
 (Usual method of acquiring citizenship) { b. Father's naturalization. e. Naturalization of my husband.  
 c. Citizenship of father. f. Act of Congress. g. By treaty

(when) \_\_\_\_\_ (where) \_\_\_\_\_

My father's name is (was) \_\_\_\_\_  
 My husband's name is (was) \_\_\_\_\_  
 (To be filled out when citizenship depends on citizenship or naturalization of parent or husband)

8. I can \_\_\_\_\_ read the Constitution in the English language, I can \_\_\_\_\_ write my name, I am entitled to vote by reason of having been on November 6, 1894 { a. An elector  
 b. More than sixty years of age.

I can \_\_\_\_\_ mark my ballot by reason of \_\_\_\_\_  
 (State physical disability, if any.)

Subscribed and sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_, 1916

\_\_\_\_\_  
 County Clerk (or Registrar of Voters)

Not the seal when registration commenced.

A. B.—3526

(Affiant sign here)

Sub. 4. Whenever any elector, between the time of her last registration and the time for the closing of registration for any given election in the same county or city and county, shall have lawfully changed her surname by a change or assumption of marital relations she shall be entitled to re-register under her new or changed name, upon an additional statement made at the time of such re-registration, giving the name under which she was so last registered in said county or city and county, and the residence given and contained in said last affidavit of registration, which additional statement shall be printed or written upon the margin of such affidavit of re-registration before the said affidavit is signed, and shall be deemed a part thereof. Upon such re-registration the last

Change of  
 name

previous registration of such elector shall be canceled. And in case any elector shall re-register or transfer his or her registration from one precinct to another the former address or precinct shall be noted in the margin of such affidavit, and the former registration shall thereupon be canceled.

Judgment of  
Court

Sub. 5. No person shall be registered except as above provided unless upon the production and filing of a certified copy of the judgment of the Superior Court directing such entry to be made. (In effect January 1, 1900. Amended March 19, 1909; May 1, 1911; January 9, 1912; June 14, 1913; April 28, 1915.)

Clerk must  
preserve  
affidavits  
for 5 years

Sec. 1103. The person charged with the registration of voters in each county or city and county must preserve all affidavits made before himself or his deputies for the purpose of procuring registration for at least five years and until the Board of Supervisors shall order them to be destroyed. The affidavits shall constitute the register required to be kept by the provisions of this chapter and the person charged with the registration of voters shall not copy the facts shown by the affidavits as part of his official duties. All provisions of law in conflict herewith are hereby repealed. (Approved March 20, 1903. Amended April 19, 1909.)

### When Persons Must Not Register.

Must not  
register  
when

Sec. 1104. No person must cause himself to be registered or enrolled in one county when his registration in another remains uncanceled; provided, however, that any such person who is registered in one county may, if otherwise legally qualified, cause himself to be registered in another county in which he may then reside, at any time before the closing of registration for any election, by executing an affidavit of cancellation and delivering the same to the officer taking such new registration. It shall be the duty of the County Clerk to at once forward such affidavit of cancellation to the County Clerk of the county in which such old registration is still uncanceled, and upon receipt of such affidavit such former registration must be forthwith canceled. (Amended May 26, 1915.)

Cancellation

Sec. 1105. Cancellation is made by writing or stamping on the affidavit of registration the word "cancelled," the reason therefor, and the date of such cancellation. In addition to the cancellation provided for in Section 1106 and elsewhere in this Code, whenever an elector transfers his registration from one precinct to another precinct in the same county, or re-registers in such other precinct as shown by the new affidavit of registration, the County

Clerk must immediately cancel both the original and the duplicate affidavit of registration from the former precinct, and remove them from their respective books or files provided for in Section 1113 of this Code; and whenever an elector removes from one county to another county and registers in such other county, the County Clerk in the former county of registration, upon being informed of such removal, either by the elector personally or through the provisions of Section 1104 of this Code, must likewise cancel and remove both the original and the duplicate affidavits of registration in such county. All cancelled affidavits of registration must be preserved by the County Clerk until the first day of April of the next even-numbered year. The County Clerk in distributing to each precinct the five indexes of registration, as required in Section 1116 of this Code, shall cross out of such indexes the names of all electors whose affidavits of registration from such precinct have been thus cancelled. (Amended January 1, 1900; April 12, 1911; May 27, 1915.)

### When Entry Must Be Cancelled.

Sec. 1106. The clerk must cancel the entry in the following cases:

- |  |                                  |
|--|----------------------------------|
| 1. At the request of the party registered.   | By request                       |
| 2. When he knows of the death or removal of the person registered.   | Death                            |
| 3. When the insanity of the person registered is legally established.  | Insanity                         |
| 4. Upon the production of a certified copy of a judgment of the conviction of any elector of any infamous crime, or of the embezzlement or misappropriation of any public money, in full force against the person registered, upon information of such conviction, obtained as hereinafter provided. | Convicted of infamous crime      |
| 5. Upon the production of a certified copy of a judgment directing the cancellation to be made.  | Judgment directing cancellation  |
| 6. Upon a certificate of the Board of Election of any precinct, sent up with the election returns, stating the death or removal, within their own knowledge, of the person registered.   | Certificate of Board of Election |
| 7. When it appears by the returns made by the Board and Clerks of Election that the respective party did not vote during the next preceding two years at any general or special election.  |                                  |
| 8. The Clerk shall cancel upon the Great Register every name found thereon which is found upon the Register of Deaths, provided for by law.  | Register of deaths               |

For whom  
guardian is  
appointed

9. Every Judge before whom proceedings were had, which result in any person being declared incapable of taking care of himself and managing his property, and for whom a guardian of his person and estate is accordingly appointed, or which result in such person being committed to a State insane asylum as an insane person, shall file with the County Clerk, a certificate of that fact, and thereupon the Clerk shall cancel the name of such person upon the Great Register if found thereon.

County Clerk  
to furnish list  
of cases

10. The County Clerk shall also, in the first week of September in each year, examine the records of the courts having jurisdiction in cases of infamous crimes and the embezzlement or misappropriation of public money within his county, and cancel upon the Great Register the names of all persons appearing thereon who shall have been convicted of an infamous crime, or of the embezzlement or misappropriation of public money in such court, and which conviction shall have been carried into effect. (In effect April 16, 1880. Amended January 22, 1912.)

Sec. 1106a. In any county or city and county where there shall be a Registrar of Voters, the County Clerk of such county or city and county shall furnish to such Registrar of Voters before the first day of September of each year, a statement taken from the records of the courts having jurisdiction in cases of infamous crimes and the embezzlement or misappropriation of public moneys within his county, showing the names of all persons appearing from such records to have been convicted of an infamous crime, or of the embezzlement or misappropriation of public money, in such court during the year prior to such first day of September, and which conviction shall have been carried into effect, and such Registrar of Voters shall thereupon during the first week of September in each year, cancel the affidavits of registration of such persons. The County Clerk shall certify the said statement under the seal of his office. (Approved May 1, 1911.)

Clerk to  
certify

Sec. 1107. Upon the application of the party, in person or in writing, the clerk must give him or his agent a certified copy of the entries upon the Great Register relating to such party.

Refusal to  
enter on  
Great  
Register

Sec. 1108. If the clerk refuses to register any qualified elector in the county, such elector may proceed by action in the Superior Court to compel such registration. (Amended April 12, 1911.)

Illegal  
registration

Sec. 1109. Any person may proceed by action in the Superior Court to compel the clerk to cancel any registration made illegally, or that ought to be cancelled by reason of facts that have occurred subsequent to the time of such registration; but if the person whose name is sought

to be cancelled be not a party to the action, the court may order him to be made a party defendant. (Amended April 12, 1911.)

Sec. 1110. In an action under the authority of section eleven hundred and eight, as many persons may join as plaintiffs as have causes of action.

Sec. 1111. In the action under the authority of section eleven hundred and nine, the Clerk and as many persons as there are causes of action against may be joined as defendants.

Sec. 1112. Costs cannot be recovered against the Clerk in any action under the authority of this chapter, unless it is alleged in the complaint, and established on the trial, that the Clerk knowingly and willfully violated a plain duty.

### **Affidavit of Registration.**

Sec. 1113. Within five days after the last day of registration for any election the Clerk shall arrange the affidavits of registration for each precinct in which such election is to be held, alphabetically by surnames, number them, beginning with number 1 in each precinct, and bind the same into books by fastening the left-hand edges together with a staple, cord or other suitable material. Each book shall have stated on the outside thereof the name or number of a precinct and shall contain all, and only, the affidavits of registration of the electors residing within that precinct. The duplicate affidavits for the whole of each county shall, as fast as the registration progresses, be filed alphabetically without regard to precinct. In the case of duplicate affidavits this alphabetical arrangement shall be exact; and in the case of affidavits having the same surname such arrangement shall extend to the given or Christian name, and, where necessary, to the middle name or initial. (In effect January 1, 1900; amended April 12, 1911; April 28, 1915.)

Affidavits to be bound and arranged by precincts alphabetically

Duplicate affidavits

### **Index to Register.**

Sec. 1115. Within five days after the binding of said books by precincts the Clerk shall prepare an index of each book, said index to contain the numbers, names, occupations and addresses, as they appear in said books. Such names shall include Christian or given names, the middle name or initial, if any; and, if the name be that of a woman, the Christian name shall be preceded by the designation of "Miss" or "Mrs." as the case may be. The Clerk shall have at least one hundred copies of said index printed for the use of said county, and he shall have printed and shall furnish to the municipalities within said county, such additional number of copies thereof, not

Index and what it shall contain

How many  
shall be  
printed

Distribution  
of Indexes  
a charge

exceeding fifty, as the governing body of such municipalities shall by resolution require. The County Clerk shall furnish upon written or oral demand of every candidate, who is to be voted for in said county, city, or city and county or any political subdivision of said county, city, or city and county, a printed index of the registration, for such primary and general elections in which said candidate will participate, at a cost of fifty cents per thousand names. All such moneys collected shall be deposited in the county treasury, to the credit of the general fund. The number of copies of said index necessary to be printed shall apply only to the index prepared for use at general elections. In counties where indexes are prepared for primary elections, a smaller number of such indexes may be printed. The Clerk shall have bound together in one or more volumes, a general index of said books arranged alphabetically by precincts, and shall keep at least one copy of said general index in his office for public reference. (Amended April 19, 1909; April 12, 1911; January 12, 1912; June 14, 1913; April 28, 1915.)

### Register and Index to Be Used.

What shall  
constitute  
the Register  
on the day of  
election

Sec. 1116. The clerk must, before the day of election, transmit and cause to be delivered to the Board of Election in each precinct, one of such books of affidavits of registration for their respective precinct, which shall constitute the register to be used at such election; he shall also cause to be delivered at the same time five copies of the index to said book. (In effect January 1, 1900.)

Duty of  
Clerk

Sec. 1117. A certified copy of an uncanceled affidavit of registration is prima facie evidence that the person named in the entry is an elector of the county. (In effect July 6, 1874; amended April 12, 1911.)

### Who Entitled to Vote.

Who are en-  
titled to vote  
at municipal  
elections

Sec. 1120. All persons shall be entitled to vote at the elections mentioned in Section 1044 of this Code, who come within the terms or comply with the requirements of this section.

1. Every person who was a qualified elector at the general State election immediately preceding the holding of any of the elections mentioned in Section 1044 of this Code, and who was registered as required by law as a qualified elector of any one of the precincts which together compose the special election or consolidated election precincts, and who continues to reside within the exterior boundaries of such special election or consolidated election precinct, until the time of holding of the election provided for and held under said Section 1044, shall be

entitled to vote at said election, without other or additional registration except as provided in the second paragraph of this section. All other persons, in order to be entitled to vote at any of the elections provided for in said Section 1044, must be registered in the manner required by Sections 1094, 1096 and 1097 of this Code, as an elector of and within one of the precincts which compose the special election or consolidated precinct wherein he claims to be entitled to vote. Such registration must be made and had in accordance with the provisions of Sections 1094, 1096 and 1097 of the Political Code; provided, that such registration shall be in progress at all times except during the thirty days immediately preceding any such municipal or special election held under said Section 1044 of this Code.

2. When any of the elections mentioned in Section 1044 of this Code is held on or after the first day of April of an even-numbered year, any person to be entitled to vote at such election must have been registered since the opening of registration for such even-numbered year in the manner required by Sections 1094, 1096 and 1097 of this Code as an elector of and within one of the precincts which compose the special election or consolidated precinct wherein he claims to be entitled to vote. (Amended March 19, 1907; May 1, 1911; June 16, 1913; May 27, 1915.)

Sec. 1121. The register used at each special election or consolidated election precinct, at the elections provided for in Section 1044 of this Code, provided such elections are not held on or after the first day in April in any even-numbered year, shall consist of the original affidavits of registration for the territory constituting such special election or consolidated election precinct, at the last general State election immediately preceding the holding of the election provided for in said Section 1044, together with a supplement or supplements showing the additional names of the persons who by registration have since such general State election become entitled to vote at any of the elections to be held in such precinct, under said Section 1044 of this Code. In the event that precinct registers were used at the last preceding general State election, then it shall be the duty of the County Clerk or person clothed with the authority for the registration of voters, to furnish such original affidavits of registration with the supplements aforesaid, for each of the special election or consolidated precincts, to the Boards of Election, respectively, in and for each such election precinct. No person shall be entitled to vote at any such election provided for in said Section 1044 of this Code, unless his name is registered by such original affidavit of registra-

What Register  
should be  
used

tion, in the precinct within the exterior boundaries of the election precinct, or unless, according to the Constitution and laws of this State, he is entitled to vote thereat. If any election provided for in Section 1044 of this Code is held on or after the first day in April in any even-numbered year, the register used at each special or consolidated election precinct at such election shall consist of the original affidavits of registration of those who had registered from the territory constituting such special or consolidated election precinct in said even-numbered year and at least thirty-one days prior to such election. (Amended March 19, 1907; June 16, 1913; May 27, 1915.)

### **Election Precincts.**

Sec. 1125. In all counties, and city and counties, (except in counties, and city and counties, which at the last general election prior to the time this act goes into effect had a registration of at least two hundred thousand electors, or which has a Registrar of Voters provided for by Freeholders' Charter or by general law, but no Board of Election Commissioners, other than the Board of Supervisors acting as such ex-officio), the County Surveyor shall upon written request and under the direction of the County Clerk, or in counties, and city and counties having a Registrar of Voters, from the Registrar of Voters, divide the county into election precincts and prepare detail precinct maps and exterior descriptions and copies thereof, and file the same with the Board of Supervisors not later than the first Monday in November of each odd-numbered year; provided, however, that the county shall be so divided into election precincts that there shall be as many as shall be sufficient to make the number of votes polled at any one election precinct not more than two hundred, as near as can be ascertained, and it shall be the duty of said Board to adopt an order creating election precincts as prepared and described by said County Surveyor and County Clerk, not later than the second Monday in December of each said odd-numbered year; the County Surveyor shall within fifteen days after receipt of said written request from the County Clerk, or Registrar of Voters, change or alter any precinct boundaries, and prepare new detail maps and descriptions thereof, as directed by the County Clerk, or Registrar of Voters, and file the same with the Board of Supervisors, who shall at their next meeting adopt said precinct changes by order.

In all counties, or city and counties of this State, which at the last general election prior to the time this act goes into effect had a registration of at least two hundred thousand electors, or which has a Registrar of Voters



provided for by Freeholders Charter or by general law, but no Board of Election Commissioners, other than the Board of Supervisors acting as such ex-officio, the Board of Supervisors, or other Board having charge and control of elections in such county, or city and county, or, at its request, the County Clerk or Registrar of Voters, shall, as soon before a general election as is convenient, proceed to divide such county, or city and county, into election precincts, of which there shall be as many as shall be sufficient to make the number of votes polled at any one election precinct to be not more than two hundred, as nearly as can be ascertained.

Any provisions found elsewhere in this Code giving to the Board of Supervisors the power to establish, abolish, and change election precincts shall be subject to, and controlled by, the provisions of this section. (Approved May 26, 1915.)

Sec. 1126. In all counties, and city and counties, (except in counties, and city and counties, which at the last general election prior to the time this act goes into effect had a registration of at least two hundred thousand electors, or which has a Registrar of Voters provided for by Freeholders' Charter or by general law, but no Board of Election Commissioners, other than the Board of Supervisors acting as such ex-officio), the Board of Supervisors or Election Commissioners in each of the counties, and city and counties of this State, shall, within thirty days from the receipt of a written notice from the County Clerk, or, in counties or city and counties having a Registrar of Voters, from the Registrar of Voters, change the boundaries of, create new, or consolidate established precincts as per detailed descriptions as furnished by the County Clerk, or Registrar of Voters, and County Surveyor; provided, that there shall always be as many precincts as shall be sufficient to make the number of votes polled in any one precinct not more than two hundred, as nearly as can be ascertained.

In all counties and city and counties, which at the last general election prior to the time this act goes into effect had a registration of at least two hundred thousand electors, or which has a Registrar of Voters provided for by Freeholders Charter or by general law, but no Board of Election Commissioners, other than the Board of Supervisors acting as such ex-officio, the Board of Supervisors, or other Board having charge and control of elections in such county, or city and county, of this State, or, at its request, the County Clerk or Registrar of Voters, may from time to time change the boundaries of, create new, or consolidate established precincts; provided, that there shall always be as many precincts as shall be

sufficient to make the number of votes polled at any one precinct to be not more than two hundred, as nearly as can be ascertained.

Any provisions found elsewhere in this Code giving to the Board of Supervisors the power to establish, abolish, and change election precincts shall be subject to, and controlled by, the provisions of this section.

Sec. 3. Sections 1127 and 1129 of the Political Code as amended by the forty-first session of the Legislature of the State of California are hereby repealed.

Sec. 4. This act shall take effect four months after the adjournment of the forty-first session of the Legislature of the State of California. (Approved May 26, 1915.)

Sec. 1128. In the order establishing precincts, the boundaries thereof must be defined.

Boundaries  
of

Sec. 1130. The following limitations are imposed upon the powers given the Supervisors in this chapter:

Powers,  
limitation  
of

No precinct must be established so as to embrace more than one township, nor in such manner that its exterior limits cross the exterior boundaries of any township, incorporated town or city, or city, or any ward, district, or other territorial subdivision for which local officers are to be elected, except a school or road district; provided, however, that if any precinct contains an insufficient number of qualified electors to make up a precinct election board, such precinct may be consolidated with an adjoining election precinct for the purposes of an election to fill an office of the county, state or of the United States. (Amended January, 1900; April 12, 1915.)

Sec. 1130. The following limitations are imposed upon the powers given in this Chapter:

1. No precinct must be established so as to embrace more than one township, nor in such manner that its exterior limits cross the exterior boundaries of any township, incorporated town or city, or any ward, district, or other territorial subdivision for which local officers are to be elected, except a school or road district; provided, however, that if at any election, including any primary election, or special election, any precinct contains an insufficient number of qualified electors to make up a precinct election board, such precinct may be consolidated with an adjoining election precinct. (Amended April 28, 1915. Sec. 1130 amended April 12, 1915.)

## Polling Places.

Sec. 1131. The County Clerk or Registrar of Voters in each county or city and county shall at least twenty-five days prior to any election, or primary election, file in his office a notice of the date of such election and the offices to be filled naming and numbering them in numerical order, unexpired terms or short terms being designated next after the full terms or long terms. He shall also designate in such notice the election officers who have been appointed for each precinct and the polling place therein where the voting for such election shall be had, but in no event shall such polling place be a saloon or other place where intoxicating liquor is sold or dispensed, nor shall such polling place be connected by a door, window or other opening with a saloon or other room or place where such liquor is sold or dispensed. He shall immediately thereafter cause one copy of such notice to be posted in a prominent place in his office and shall send or deliver one copy to the inspector appointed for each precinct who shall cause the same to be posted at or near the polling place in that precinct in which such inspector is to act. The duties imposed by this section and by Sections 1142, 1142a, and 1151 of this Code upon the County Clerk or Registrar of Voters shall in all municipal elections and in all elections in which only the electors of one municipality or a portion thereof vote be performed by the City Clerk, Registrar of Voters or similar officer of such municipality. (Amended March 20, 1899; amended May 26, 1915.)

Designate  
polling  
places and  
offices to  
be filled

Unexpired  
term

When not  
designated

Sec. 1132. If the election officers for any precinct or the polling place therein have not been designated by the tenth day prior to any election the Justice of the Peace having jurisdiction over that territory comprising such precinct shall immediately make an order in writing designating the election officers for that precinct or the polling place therein, as the case may require, and notify such officers of their appointment. He shall at the same time send one copy of his order to the officer who should have designated such officers and polling place, and shall cause copies of his order to be posted in three public places in the precinct and send one copy thereof to the inspector appointed for that precinct who shall cause the same to be posted at or near such polling place. In the event that more than one Justice of the Peace has jurisdiction over the territory comprising any precinct any one of such Justices may make such order and in the event of a conflict the order first posted shall control. If the Justice of the Peace fails to perform the duty herein imposed upon him, the inspector, if one shall

Justice of  
the Peace

have been appointed, shall perform such duty. If any of the members appointed on an election board do not attend at the opening of the polls on the morning of an election, those qualified electors present, including members of the Board, shall appoint a qualified elector to fill the vacancy, and if none of the members appointed appear at such time the qualified electors of the precinct present at that time may appoint a Board. If for any reason the polling place designated for any precinct can not be used, the Board of Election acting for that precinct on the day of the election shall designate another polling place as near thereto as possible, post notice of the change on or near the place first designated and conduct the election at the place last designated. (Amended Feb. 28, 1903; May 26, 1915.)

May consolidate precincts.

Sec. 1133. The board or governing body charged with the conduct of carrying on any of the elections mentioned in section 1044 of this Code may precinct, or subdivide, the municipality or territory within which such election is to be held, into special election or consolidated election precincts, for the holding of such elections, and change and alter such precincts for such elections, as often as occasion may require. In establishing such election precincts referred to in this section, such board or governing body having control of such elections may consolidate the precincts to a number not exceeding three for each special election or consolidated election precinct, and shall number such precincts so established, consecutively, and each precinct so established shall for the purpose of such election be known by the number so designated. (Approved March 19, 1907; amended April 28, 1915.)

### Boards of Election.

Boards of Election, how appointed

Sec. 1142. At each election or primary election the election officers appointed for each precinct shall constitute a Board of Election for such precinct. Such Board shall consist of one inspector, two judges, and three clerks; provided, that in any precinct in which the total registration does not exceed one hundred electors the Board shall consist of one inspector, one judge and two clerks. Each of such officers shall be a registered qualified elector of the precinct for which he is appointed and in which he acts and shall serve only in such precinct; provided, that in the case of consolidated election precincts the election officers appointed therefor and who act therein shall be registered qualified electors of one of the precincts of which such consolidated precinct is composed.

What the Board shall consist of

At least sixty days before any election the Board of Supervisors, or other Board having charge and control of elections shall cause to be published for three times in a daily newspaper, if any, published in the county or in the political subdivision in which such election is held, and in case there is no daily newspaper published therein, then twice in a weekly newspaper published in said county or subdivision; and shall also cause to be posted in some prominent place in various precincts distributed throughout the county or political subdivision in which the election is to be held, a notice in substantially the following form:

WANTED.

**Applications for Positions as Election Officers.**

The Board of Supervisors (or other Board, as the case may be) is about to appoint election officers to have charge of the .....election to be held, on the .....day of ....., 19.....

In order to secure the most capable and efficient election officers possible for this and subsequent elections, the Board is desirous of learning the names of men and women of each precinct, of clerical ability or otherwise qualified who are willing to serve as election officers.

Blanks for "Application to serve as election officer" may be procured at..... (some office, place of business, or residence in locality) or upon written application to....., and must be filled out and mailed to ..... on or before ..... , 19.....

Dated .....

Board of Supervisors (or other Board)  
of..... County.

By.....

Any person willing to serve as election officer may, at least forty days before any election, file, in the office of the Board of Supervisors or other Board having charge or control of elections within the county, or city and county in which he or she resides, an application therefor, which shall be filled out in ink upon a blank prepared and furnished by said Board, and in substantially the following form:

### Application to Serve as Election Officer.

State of California, }  
 ..... County of..... } ss.

My name in full is.....;  
 my actual residence is.....;  
 my age is .....; my occupation is.....;  
 I am employed at.....

(Give place of employment)

I am not, and have not been, within the last ninety days, employed in any capacity, other than that of election officer, by the county, city and county, or incorporated city or town in which I now reside.

I have ..... acted as an election officer at an election.

(If applicant has previously acted as an election officer he shall state the time and place when he so acted and the nature of the office held, otherwise he shall insert the word "not" after the word "have".)

I have ..... passed a civil service examination.

(If applicant has previously passed such examination he shall state the time and place thereof and the position for which it was held, otherwise he shall insert the word "not" after the word "have".)

My education has been as follows:

(state briefly)

My experience in clerical work has been as follows:

(state briefly)

For further information, I would refer to the following:

.....  
 .....  
 .....

(Names and addresses of two or three well known citizens of the community, who are acquainted with the qualifications of applicant; to be filled out if applicant is not, through previous service or otherwise, already known to the appointing board).

I am now registered as an elector in this county (or city and county). I can read and write the English language and all of the matter written in foregoing answers is in my own handwriting.

.....  
 Signature of applicant.

In the case of municipal elections and in all elections in which only the electors of one municipality or a portion thereof vote, the duties herein imposed upon the Board of Supervisors shall be performed by, and such applications shall be filed with the City Council or other Board having charge and control of the elections of such municipality. Any application once filed and approved shall be considered as an application for any election held within the territory to which such application applies on or after the fortieth day thereafter and while the then open and current registration is operative; provided, however, that for any election held on or after the first day of January of an even-numbered year and before the first day of April of that year such application shall be available, and for such election the Board charged with the duty of appointing election officers may appoint as such officers those who are upon the register which will be used at that election if at the time of their appointment they still reside in the precinct for which they are appointed and are otherwise competent to act.

At least thirty-five days before any election, the Board of Supervisors or other Board having charge and control of elections, shall arrange by precincts all the applications to serve as election officer on file in their office, and shall examine such applications and make such further investigations as shall indicate what persons are best qualified to serve as election officers in each precinct. If among the applicants approved there are not sufficient to constitute an Election Board for any precinct, there shall be added the names of other qualified electors, registered from that precinct and fitted to serve as election officers. In adding such names, preference shall be given to those who are known to have already served with ability as election officers. The Clerk of the Board of Supervisors or other Board having charge and control of elections shall forthwith communicate with not less than six, nor more than twelve, of those approved to serve as election officers of each precinct, and shall enclose a postal card for reply made out in substantially the following form:

Dear Sir:—

In answer to your communication stating that my name is being considered as an election officer of..... precinct for the next election, I hereby agree that, if appointed, I will serve as such election officer, and that I will be present at the opening of the polls on the morning of the election ....., 19....

Signed.....

Address.....

The Board of Supervisors, or other Board having charge or control of elections in each of the counties, and cities and counties, must, at least twenty-five days prior to an election, issue its order appointing the members of the several Boards of Election.

If the election officers for any precinct, or the polling place therein, have not been designated by the fifteenth day prior to any election, the County Clerk shall immediately appoint the election officers for that precinct, or designate the polling place therein, as the case may require.

Any person who, having agreed to serve and having been regularly appointed as an election officer, shall without lawful excuse fail to act as such, shall be guilty of a misdemeanor punishable by a fine not to exceed one hundred dollars or by imprisonment in the county jail not to exceed thirty days or by both such fine and imprisonment. In appointing election officers preference shall so far as possible be given to any applicant or person who has passed a civil service examination involving a test for a clerical position, or who has previously rendered satisfactory service as an election officer. No person shall be eligible to act as an officer of election who is not actually a resident of the precinct in which he acts and a registered and qualified elector thereof, or who has within ninety days preceding such election, been employed in any capacity, other than that of an election officer, by the county or city and county or incorporated city or town in which he resides.

Upon receiving a list of the names and addresses of those who have been appointed election officers the County Clerk or Registrar of Voters shall immediately mail or deliver to each person appointed a notice that he has been appointed stating therein the date of the election and the polling place in the precinct in which he is to act. He shall also publish the names of the election officers appointed for each election precinct, in some newspaper published in the county or city and county where the election is to be held, for three successive issues, the last publication to be at least one week before the day such election is to be held. He shall also mail or deliver to each person appointed as inspector for any precinct immediately after such appointment a notice in duplicate of the persons appointed to serve as election officers in that precinct. Within five days after the receipt thereof the said inspector shall cause one of said duplicates to be posted at or near the polling place designated therein and immediately notify the County Clerk



or Registrar of Voters when he has done so. Said notice shall be substantially in the following form:

Office of the County Clerk (or Registrar of Voters)  
 ..... County of .....

Notice to Election Officers.

To ..... inspector for ..... precinct.

The polling place for the ..... precinct at the election to be held on ..... the ..... day of ..... is ..... and the Board of Election for said precinct is composed of the following persons:

Position	Name	Address
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

You as inspector must before the polls are opened see that each of these persons has taken the oath required by law, and that no one is permitted to act as election officer unless he has taken such oath and actually resides in the precinct and is registered as an elector thereof and is not and has not been employed in any capacity, other than that of an election officer, within ninety days of the election, by the county or city and county or by the incorporated city or town in which he resides. If any of these persons is not qualified to act or in case any of them do not appear at the opening of the polls, the qualified electors present, including members of the Board, shall appoint in his place one who is qualified who shall take the required oath of office which will be found set forth in the poll list.

Accompanying this notice is an oath of office which you will immediately take before any officer authorized by law to administer an oath and cause the same to be returned to me with the election returns. This notice is sent you in duplicate and you will within five days after receipt hereof post one copy at or near the polling place designated herein and immediately notify me when you have done so.

.....  
 County Clerk (or other official).

Accompanying said notice shall be an oath in blank which shall be immediately sworn to by the inspector free of charge before any officer authorized to administer oaths and before performing any of the duties required of

him and which oath shall be returned to the County Clerk or Registrar of Voters with the election returns. Said oath shall be substantially in the following form:

State of California, }  
 ..... County of ..... } ss.

I do solemnly swear (or affirm, as the case may be), that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of inspector on the Board of Election for ..... precinct according to the best of my ability.

.....  
 Subscribed and sworn to before me  
 this ..... day of ..... 191...

.....  
 (Name and designation of official  
 before whom taken.)

On or before the day of election and before entering upon the performance of their duties, each of the other election officers shall take a similar oath before said inspector, or, in case he is not present, before any other of themselves, each of whom is for this purpose authorized to administer an oath. Such oaths shall be taken and subscribed upon a form which shall be provided for that purpose in the poll list for that precinct.

No person shall be eligible to act as a member of any Election Board who can not read and write the English language, nor shall any person be appointed an election officer or act as such and who is not at the time in every respect qualified to act as such election officer, nor shall any person so appointed serve as such until he has taken the oath required. The inspector, judges and clerks upon each Board of Election shall distribute the extra duties devolving upon such Board of Election, in addition to their own duties, in such a manner as they themselves shall deem most advantageous, and such extra duties assigned to the several officers or clerks of Boards of Election by other sections of this Code shall be performed by the members of each Board as the said duties have been distributed in accordance with this provision. Not more than two members of any Board of Election shall be absent from the polling place at any one time. Such Board of Election shall canvass the votes for such precinct, and must be present at the closing of the polls. The members of said Board shall relieve each other in the duties of canvassing the ballots, which may be conducted by at least four members of the Board; provided, that there shall always be two members simultaneously

keeping the tally sheets, and always two members looking at the vote on the ballot from which one of said two members is reading; and provided, further, that the final certificate shall be signed by a majority of the whole. (Amended March 13, 1903; April 12, 1911; January 9, 1912; June 14, 1913; May 26, 1915.)

Sec. 1142a. On or before January 1, 1916, the Secretary of State and the Attorney General shall prepare a brief digest of election laws in so far as such laws affect the duties of election officers during the casting and the canvassing of the vote. Such digest shall be in such form as will readily indicate to election officers the substance of such provisions of the Political Code or other election laws as they may find it most important to know in the performance of their duties, and shall contain in each case a reference to the section of the said Code or laws, by reference to which further examination of said provisions may be made. A copy of this digest, together with such further instructions as the County Clerk or Registrar of Voters may desire to make, shall be prepared by him and furnished to each election officer at the time of his appointment according to the provisions of section eleven hundred forty-two of this Code. (Approved May 26, 1915.)

### Inspectors.

Sec. 1145. The Inspectors may:

1. Administer all oaths required in the progress of an election.

Powers of  
Inspectors  
of Election

2. Appoint judges and clerks, if, during the progress of an election, any judge or clerk ceases to act, or becomes incapacitated from acting. (Amended May 1, 1911.)

Sec. 1146. Any member of the board, or either clerk thereof, may administer and certify oaths required to be administered during the progress of an election.

Administering  
oath

Sec. 1148. Before opening the polls, each member of the board and each clerk must take and subscribe an oath to faithfully perform the duties imposed upon them by law. Any elector of the township may administer and certify such oath.

Board of  
Election  
and Clerks  
to take oath

Sec. 1149. Before opening the polls the Board must post in separate convenient places, at or near the polling place and easy of access to the electors, not less than four of the copies of the index to the book of affidavits of registration furnished for that precinct. (Amended March 18, 1905; May 26, 1915.)

Copies of  
index to  
be posted

Sec. 1150. The copies so posted must be maintained during the whole time of voting and must not in any manner be torn or defaced.

Copies of index  
posted must  
not be defaced

Appointment  
of Election  
Officers

Sec. 1151. The City Council or other Board having charge and control of the elections of any municipality shall appoint a Board of Election for each special election or consolidated election precinct to consist of two inspectors, two judges and two clerks for each municipal election provided for by section ten hundred forty-four of this Code, held within that municipality, and the Board of Supervisors or other Board having charge and control of elections shall appoint a Board of Election to consist of one inspector, one judge and two clerks for every other election provided for by said section, who shall apportion among themselves the work required in the conduct of such election within their respective election precincts; provided, that at any nominating or general municipal election held under the provision of a Freeholders' Charter, the Board or governing body charged with the conduct of such elections, may by unanimous consent, appoint a Board of Elections for each election precinct, to consist of one inspector, one judge, and two clerks. Except as to the advertising for or posting of, notices calling for applications to serve as election officers, and as to the receipt and filing of such applications, the members of such Boards shall be appointed, and when appointed shall act, as provided for by section eleven hundred forty-two of this Code. But one poll list, one tally list, and one copy of such tally list, as provided for in section twelve hundred sixty-one of this Code, need be kept, and but one book of original affidavits of registration need be furnished for use at each precinct, which shall be returned to the proper officers with the official returns, in the manner provided for the returns at a general election. (Amended March 19, 1907; January 9, 1912; May 26, 1915.)

### Time of Opening and Closing Polls.

Polls open  
6 a. m. and  
close at  
7 p. m.

Sec. 1160. The polls must be opened at six o'clock a. m. of the day of election, and must be kept open until seven o'clock p. m. of the same day, when the polls shall be closed, except as provided in section 1164 of this code. (Amended March 20, 1899. Amended March 1, 1907. Amended March 20, 1909. Amended May 27, 1913.)

Ballot box  
must be  
exhibited

Sec. 1162. Before receiving any ballot the board must, in the presence of any persons assembled at the polling place, open and exhibit and close the ballot box; and thereafter it must not be removed from the polling place or presence of the bystanders until all the ballots are counted, nor must it be opened until after the polls are finally closed.

Sec. 1163. Before the board receive any ballots, they must cause it to be proclaimed aloud at the place of election that the polls are open.

Proclaim  
that polls  
are open

Sec. 1164. When the polls are closed, that fact must be proclaimed aloud at the place of election; and after such proclamation, no ballot must be received; provided, however, that if at the hour of closing there are any other voters in the polling place, or in line at the door, who are qualified to vote and have not been able to do so since appearing, the polls shall be kept open a sufficient time to enable them to vote. But no one who shall arrive at the polling place after seven o'clock in the afternoon shall be entitled to vote, although the polls may be open when he arrives. (Amended March 20, 1899. Amended March 20, 1909. Amended May 27, 1913.)

Proclaim  
that polls  
are closed

### Poll List.

Sec. 1174. The following is the form of poll list to be kept by Board and Clerks of Election:

Form of  
poll list

### Poll List.

Of the election held in the precinct of \_\_\_\_\_, in the County of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, in the year A. D. one thousand nine hundred and \_\_\_\_\_, A. B., C. D., and E. F., Judges, and G. H. and J. K., Clerks, of said election, were respectively sworn (or affirmed) as the laws directs, previous to their entering on the duties of their respective offices.

### Number and Name of Electors Voting.

No.	Name	No.	Name
1	A. B.	3	E. F.
2	C. D.	4	G. H.

We hereby certify that the number of electors voting at this election amounts to .....

Attest:

G. H.,

J. K.,

Clerks.

A. B.,

C. D.,

E. F.,

Board of Election.

### Tally Lists.

Names of persons voted for, and for what office, containing the number of votes given for each candidate.

Governor	Representative in Congress	Members of the Legislature	
		Senate	Assembly

We hereby certify that A. B. had \_\_\_\_\_ votes for Governor and C. D. \_\_\_\_\_ votes for Governor; that E. F. had \_\_\_\_\_ votes for Representative in Congress, etc.

	A. B.,
J. K.,	E. F.,
G. H.,	C. D.,
Clerks.	Board of Election.

Sec. 1175. No list, tally, paper, or certificate returned from any election must be set aside or rejected for want of form, nor on account of its not being strictly in accordance with the directions of this Title, if it can be satisfactorily understood.

### Election Tickets and Ballots.

Sec. 1185. All ballots cast in elections for public officers within this State shall be printed and distributed at public expense as hereinafter provided. The printing of general tickets and cards of instructions to electors of each county and the delivery of the same to the election officers, shall be a county charge, the payment of which shall be provided for in the same manner as the payment of other county expenses; and the printing and delivering of "municipal tickets," and also, in case of separate elections for city, city and county, or town officers, the printing and delivering of cards of instruction shall be a charge upon the respective city, city and county, or town in which such "municipal tickets" and cards of instruction are to be used, the payment of which shall be provided for in the same manner as the payment of other city, city and county, or town expenses. (In effect July 1, 1891.)

Sec. 1188. A candidate for any public office for which no non-partisan candidate has been nominated at any primary election may be nominated subsequent to said primary election, or in lieu of any primary election, in the manner following: a nomination paper containing the name of the candidate to be nominated, with other in-

Want of  
form not  
to vitiate

Ballots at  
Public  
expense

A county  
charge

Municipal  
tickets a  
local charge

Independent  
nominations

formation required to be given in the nomination papers provided for in the direct primary law then governing primary elections, shall be signed by electors residing within the district or political subdivision for which the candidate is to be presented, equal in number to at least one per cent of the entire vote cast at the last preceding general election in the state, district or political subdivision for which the nomination is to be made, subject to the restrictions contained in said direct primary law. For the purposes of this section the provisions of said direct primary law, as said sections apply to the nominees for non-partisan offices, shall substantially govern as to the manner of the appointment of verification deputies, the form of nomination papers and the securing of signatures thereto, and fastening together of sections of the nomination paper containing such signatures, and the filing thereof with the County Clerk, or the certification thereto by the County Clerk and transmission thereof to the Secretary of State or to the City Clerk or Secretary of the legislative body of any municipality, as the case may be, the filing of the candidate's affidavit, the payment of a filing fee, and all other things necessary to get the name of a candidate under this section upon the ballot, except that such provisions shall be directed toward getting the candidate's name on the ballot for a general or municipal election or a special election and not on the ballot for nomination at a primary election. In addition to the other matter required to be set forth on the candidate's nomination paper, it must also be set forth that each signer thereof did not declare his affiliation with any political party at the primary election immediately preceding; provided, that this statement shall be omitted in case no candidate was nominated at said primary election for the public office mentioned in said nomination paper.

Upon the filing of a sufficient nomination paper and affidavit by any candidate nominated under the provisions of this section and the payment of the filing fees as hereinbefore provided, the name of such candidate shall go upon the ballot at the ensuing general or municipal election according to the provisions of Section 1197 of this Code. (Amended March 23, 1901; March 19, 1907; April 12, 1911; June 14, 1913; May 26, 1915.)

#### **Certificates—When Filed.**

Sec. 1192. Nomination papers required to be filed with the Secretary of State, or with the County Clerk, shall be filed not more than sixty days, nor less than thirty-five days before the day of election, when the nomination is made by electors as provided in Section 1188

*Time for filing  
certificates with  
Secretary of State*

of this Code. Nomination papers required to be filed with the Clerk or Secretary of the legislative body of any city or town, shall be filed not more than fifty days nor less than twenty days before the day of election, when the nomination is made by electors as provided in Section 1188 of this Code. (Amended March 23, 1901; April 12, 1911, June 14, 1913, April 28, 1915.)

Sec. 1193. The Secretary of State, the County Clerk, and the Clerk or Secretary of the legislative body of any municipality shall preserve for a period of two years in their respective offices all nomination papers filed therein under the provisions of law, and shall thereafter destroy the same unless they have been introduced in evidence in some action or proceeding then pending. (Approved May 26, 1915.)

Sec. 1194. The Secretary of State shall preserve for a period of four years in his office all initiative, referendum and recall petitions filed therein under the provisions of law and shall thereafter destroy the same unless they have been introduced in evidence in some action or proceeding then pending. (Approved May 3, 1915.)

#### RELATING TO THE PREPARATION, PRINTING AND DISTRIBUTION OF STATEMENTS CONCERNING PROPOSED CONSTITUTIONAL AMENDMENTS, AND TO THE PRINTING AND DISTRIBUTION OF SUCH CONSTITUTIONAL AMENDMENTS AND PROPOSITIONS, MEASURES AND QUESTIONS TO BE SUBMITTED TO THE VOTE OF THE ELECTORS.

Sec. 1195. Whenever the Legislature shall propose any amendment to the Constitution of this State or any other proposition to be voted upon by the electors of the State, the author of such amendment or proposition and one member of the same house who voted with the majority on the submission of such amendment or proposition, shall be appointed as a committee of two by the presiding officer of such house, before the adjournment of the Legislature, to draft an argument giving the reasons for the adoption of such amendment or proposition, which argument shall be not more than five hundred words in length. If the author of such amendment or proposition shall desire separate arguments to be written in favor thereof by each member of the committee, such separate arguments may be written, but the combined length of the two arguments shall not be more than five hundred words. At the same time said committee of two is appointed, one member of the same house who voted with the minority against the submission of such amendment or proposition, if there was any such minority



vote, shall be selected by the presiding officer of such house as a committee of one to write an argument against such amendment or proposition, and such argument shall be not more than five hundred words in length. These articles shall be submitted to the Secretary of State within ninety days after the adjournment of the Legislature, subject to amendment or change by the committee respectively submitting them at any time within one year after such adjournment, such amendment to be substituted by the Secretary of State in lieu of the original. In case either the argument for or the argument against such amendment has not been filed by a member of the Legislature within one year from the final adjournment of the Legislature or in case no committee was appointed to write it, any elector may request the presiding officer of the house in which said amendment originated for permission to prepare and file an argument for such amendment or proposition, and any other elector may request such officer for permission to prepare and file an argument against the same. The presiding officer of such house shall grant such permission, or, if there be more than one elector requesting such permission, he shall designate the person to prepare and file such statement, either for or against such amendment or proposition, or both for and against, as the case may be. (Amended March 10, 1909; June 14, 1913; May 27, 1915.)

Sec. 1195a. The Secretary of State shall cause to be printed at the state printing office one and one-fifth times as many pamphlets as there are registered voters in the state. Such pamphlets shall contain a complete copy of all constitutional amendments, propositions and measures submitted to a vote of the electors of the State by the Legislature, or by initiative or referendum petition, a copy of the corresponding constitutional or statutory provisions as then in force, if any, and a copy of the statements provided for in Section 1195 in this Code and in Section 1, Article IV of the Constitution of the State of California. The parts of the proposed amendments differing from the existing provisions shall therein be distinguished in print, so as to facilitate comparison. All questions, propositions, measures and constitutional amendments which are to be submitted to a vote of the electors shall be printed in said pamphlets, so far as possible, in the same order, manner and form in which the same shall be designated upon the ballot and shall be designated thereon by the respective ballot titles or designations which may be provided therefor. Said ballot titles shall be numbered consecutively and printed on the pamphlets herein referred to immediately prior to the

particular question, proposition, measure or constitutional amendment therein referred to. There shall also be printed on said pamphlets the copy of said ballot title or designation as the same will appear on the ballots when voted on in the order and with the proper number which ballot title or designation shall be the method by which said questions, propositions and constitutional amendments shall be designated on the ballots. (Amended March 10, 1909; June 16, 1913; May 27, 1915.)

Sec. 1195b. The Secretary of State shall duly, and not less than thirty days before the election next ensuant at which such amendments, propositions, measures or questions are to be voted on, certify such pamphlet and the matters contained therein and furnish each County Clerk in the State with one and one-fifth times as many copies of such pamphlets as there are registered voters in his county. The Clerk of each county shall not more than twenty-five days, nor less than fifteen days prior to said election cause to be mailed to each voter a copy of such pamphlet and no other publication of such amendments, propositions, measures, questions or statements shall be necessary or authorized. Three copies of such pamphlets, to be supplied by the Secretary of State, shall be kept at every polling place, while an election is in progress, so that they may be freely consulted by the electors. (Approved May 27, 1915.)

Sec. 1196. Except as in this code otherwise provided, it shall be the duty of the County Clerk of each county to provide printed ballots for every election of public officers, except elections for city or town officers, in which electors, or any of the electors, within the county participate, and to cause to be printed in the appropriate ballot the name of every candidate whose name has been certified to or filed with the County Clerk in the manner provided for by law, together with the names certified by the Secretary of State to have received in the respective parties, the highest number of votes for United States Senator. Ballots other than those printed by the respective County Clerks, or the Clerk or Secretary of the legislative body of any incorporated city or town, according to the provisions of this code, shall not be cast nor counted at any election. It shall be the duty of the County Clerk of any consolidated city and county to provide separate ballots for every election for city and county officers in which the electors, or any of the electors, of such city and county participate, and to cause to be printed on such separate ballots the name of every candidate for a city and county office whose name has been filed with the proper officer in the manner provided by law. It shall be

the duty of the Clerk or Secretary of the legislative body of any incorporated city or town to provide separate ballots for every election for city or town officers in which the electors, or any of the electors, of such city or town participate, and to cause to be printed in such separate ballots the name of every candidate whose name has been filed with such clerk or secretary in the manner provided for by law. All ballots shall be not to exceed twenty-four inches in length, and shall be of sufficient width to contain in parallel columns four inches in width the names of all candidates nominated, and below the printed list of candidates for each office, the necessary blank space or spaces to permit an elector to write in the names of persons whose names are not printed on the ballot, and to contain in a separate column or columns of sufficient width statements of all questions, propositions or constitutional amendments to be submitted to vote of the electors, and shall be printed on tinted paper furnished by the Secretary of State. It shall be the duty of the Secretary of State to obtain and keep on hand, a sufficient supply of paper for ballots, and to furnish the same in quantities ordered, to any County Clerk, or clerk or secretary of the legislative body of any incorporated city or town, upon payment by them of the cost of such paper. Such paper shall be watermarked with a design to be furnished by the Secretary of State, in such manner that the said watermark shall be plainly discernible on the outside of such ballot when folded according to law. Such design shall be kept secret from all persons not engaged in the preparation, printing or distribution of the paper or ballots, until the day of election. Such design shall be changed for each general election, and the same design shall not be used again at any general election within the space of fourteen years; but at any special or separate local election, paper marked with the design used at the previous election may be used. Nothing in this code contained shall prevent any voter from writing upon his ballot the name of any person for whom he desires to vote for any office and such vote shall be counted the same as if printed upon the ballot, and marked as voted for. (Approved March 20, 1911.)

Sec. 1197. 1. There shall be provided at each polling place, at each election at which public officers are voted for, but one form of ballot for all the candidates for public office, and every ballot shall contain the names of all the candidates whose nominations for any office specified on the ballot have been duly made and not withdrawn, as provided by law, together with the title of the office arranged to conform as nearly as practicable to the plan hereinafter set forth.

Form of  
ballot

Order in which  
officers shall  
appear by  
whom  
determined

2. The order in which the list of officers shall appear on the ballot shall, as to State offices and district offices, when the district includes more than one county, be determined by the Secretary of State, and shall, as nearly as may be practicable, be the same for all counties. The order in which the list of county offices or district offices embracing one county or less, shall appear on the ballot, shall be determined by the County Clerk.

State ticket  
and U. S.  
Senator

(a) If the office is an office the candidates for which are to be voted on throughout the entire State, including United States Senator in Congress, the Secretary of State shall arrange the names of all candidates for such office in alphabetical order for the first assembly district; and thereafter for each succeeding assembly district, the name appearing first for each office in the last preceding district shall be placed last, the order of the other names remaining unchanged; provided, however, that the names of candidates for the office of electors for President and Vice-President shall be arranged in groups as presented in the several certificates of nomination, and the Secretary of State shall arrange such groups for the first assembly district in the alphabetical order of the names standing at the head of each of such groups as the first name therein; and, thereafter, for each succeeding assembly district, the group appearing first shall be placed last, the order of the other groups remaining unchanged; but the order of the names within each of the several groups shall remain the same as presented in the several certificates of nomination and shall remain the same for all assembly districts. A blank column one-half inch wide shall be left upon the ballot opposite each group of names of candidates for electors for President and Vice-President, and to the right of the column of voting squares for the individual names and separated from it by a light dotted line, which blank column shall contain a square in which may be stamped a cross (X) which shall be counted as a vote for each and every name in the group opposite. Lengthwise along this blank column shall be printed in heavy face type "A cross (X) stamped in this square shall be counted for each name of the group to the left." The line separating any group of names from any other group shall be heavier than any line separating the individual names in each group, and shall extend across the blank column provided for in this paragraph. Below the top line of this extension shall be printed in small heavy face type the words "top of group," and above the bottom line of the extension, the words "end of group." If the office is that of representative in Congress, or is an office the candidates for nomination to which are to be voted on in more than one county or city and county, but not

Presidential  
electors

Voting square  
for groups

Representative in  
Congress or office  
voted for in  
more than  
one county

throughout the entire State, except the office of State Senator or Assemblyman, the Secretary of State shall arrange the names of all candidates for such office in alphabetical order for that assembly district which is lowest in numerical order of any assembly district in which such candidates are to be voted on, and thereafter for each succeeding assembly district in which such candidates are to be voted on, the name appearing first for such office in the last preceding district shall be placed last, the order of the other names remaining unchanged. In certifying to each County Clerk or Registrar of Voters the list of names as required in Section 42 of the direct primary law the Secretary of State shall certify and transmit the list of candidates for each office according to assembly districts in the order of arrangement as determined by the above provisions; and in case of each county or city and county containing more than one assembly district, he shall transmit separate lists for each assembly district. Except for the office of State Senator or Assemblyman, the order in which the names so certified shall appear upon the ballot, shall be for each assembly district the order as determined by the Secretary of State in accordance with the above provisions, and as certified and transmitted by him to each County Clerk or Registrar of Voters.

(b) If the office is an office to be voted on wholly within one county or city and county, and throughout such county or city and county, except the office of Representative in Congress or State Senator or Assemblyman, the County Clerk or Registrar of Voters shall arrange the names of all candidates for such office in alphabetical order for the first supervisorial district, and thereafter for each supervisorial district, the name appearing first for each such office in the last preceding supervisorial district shall be placed last, the order of the other names remaining unchanged; provided, that there are no more than five assembly districts in such county, or city and county. If there are more than five assembly districts in such county or city and county, the County Clerk or Registrar of Voters shall so arrange on the ballot the order of names of all candidates for such office that they shall appear in alphabetical order for that assembly district in such county, or city and county, which is lowest in numerical order, and thereafter for each succeeding assembly district in such county, or city and county, the name appearing first for each office in the last preceding assembly district shall be placed last, the order of the other names remaining unchanged.

(c) If the office is that of State Senator or Assemblyman, or any office except the office of Representative in

Officer voted on  
wholly within  
one County

Senator and  
Assemblyman

Congress to be voted on wholly within any county or city and county, but not throughout such county or city or county, the names of all candidates for such office shall be placed upon the ballot in alphabetical order.

Municipal office

(d) If the office is a municipal office in any city or town whose Charter does not provide for the order in which names shall appear on the ballot, the names of candidates for such office shall be placed upon the ballot in alphabetical order.

Independent  
nominations

(e) If a candidate shall be nominated under Section 1188 of the Political Code, the word "Independent" shall be printed to the right of his name.

Questions and  
propositions

3. The order in which all questions and propositions (including proposed laws and constitutional amendments), which are to be submitted to the vote of the electors, shall appear upon the ballot shall be determined by the Secretary of State and such questions and propositions shall be numbered consecutively on the ballot. The Attorney-General shall provide and return to the Secretary of State a ballot title or designation by which all such questions, propositions, proposed laws and constitutional amendments shall be designated upon the ballot; provided, however, any person who is interested in any question, proposition, proposed law or constitutional amendment, the petition as to which is being circulated for the purpose of having the same submitted under an initiative petition, as provided in Section 1 of Article IV of the Constitution, to a vote of the electors, or any proposed constitutional amendment to be submitted to a vote of the electors, may, at any time prior one hundred and thirty days before the election at which such question, proposition, proposed law or constitutional amendment is to be submitted to a vote of the electors, file a copy of said question, proposition, proposed law or proposed constitutional amendment with the Secretary of State, together with a request that a ballot title be prepared for the same; such request shall be accompanied with the address of the person or association of persons proposing such measure. The Secretary of State shall forthwith transmit a copy of said question, proposition, proposed law or constitutional amendment to the Attorney-General. Within ten days after the same is filed with him, said Attorney-General shall provide and return to the Secretary of State a ballot title for said measure. The ballot title may be distinguished from the legislative or other title of the measure and shall express in not exceeding one hundred words, the purpose of the measure. In making such ballot title, the Attorney-General shall give a true and impartial statement of the purpose of the measure and in such language that the ballot title shall not be an argument

Secretary of State  
to transmit  
propositions

Ballot title

or likely to create prejudice either for or against the measure. Immediately upon receipt of the ballot title as prepared by the Attorney-General, the Secretary of State shall mail to any and all persons who may have requested the preparation of such ballot title, a notice addressed to such person or persons at the address accompanying such request, stating that the Attorney-General has made and returned such ballot title, which notice shall also contain a copy of the ballot title as prepared by the Attorney-General. Any person who is dissatisfied with the ballot title prepared by the Attorney-General for any such question, proposition, proposed law or constitutional amendment, may, after the same has been returned to the Secretary of State as hereinbefore provided, and within ten days after said notice shall have been mailed by the Secretary of State, as above provided, file in writing with the Secretary of State his objections, who shall forthwith file a copy of such question, proposition, proposed law or constitutional amendment, together with the title thereof as so prepared by the Attorney-General and the said objections thereto, with the Board of Title Commissioners, which Board shall consist of the three Justices of the District Court of Appeal of the State of California, in and for the third appellate district, who shall be ex-officio title commissioners for the purposes of this act and which Board is hereby created; said Board shall fix a time at which any person may be heard either for or against the objection so made and shall notify all persons of the time so set and thereupon said Board of Title Commissioners shall proceed to consider the said title prepared by the Attorney-General and the objections filed thereto, and shall prepare a title by which such question, proposition, proposed law or constitutional amendment shall be designated upon the ballot. Said title commissioners shall certify the said designation to the Secretary of State within ten days after said written objections have been received by them. The determination by the said Board of Title Commissioners shall be final and conclusive. Such questions, propositions, proposed law and constitutional amendments shall be designated on the ballot by the said ballot title certified to the Secretary of State by the said Attorney-General, or in case a different title has been prepared, certified and filed by the said Board of Title Commissioners, then such title shall be the title and designation by which any such question, proposition, proposed law or constitutional amendment shall be designated upon the ballot.

Dissatisfied with \*  
Title Filing  
objections

Board of Title  
Commissioners

Determination of  
Board final

Ballots

4. All ballots shall be not to exceed twenty-four inches in length, and shall be four inches in width and as many times such width as may be necessary to contain the

names of all candidates nominated, with proper blank spaces to allow the voter to write in names not printed on the ballot, and also a separate column or columns of sufficient width for statements of all questions, propositions or constitutional amendments submitted to vote of the electors. Each group of candidates to be voted on shall be headed by the designation of the office and the words "vote for one" or "vote for two" or more, according to the number to be selected to such office; such designation of the office and of the number of candidates to be voted for shall be printed in heavy faced gothic type not smaller than ten point. The word or words designating the office shall be printed flush with the left-hand margin and the words "vote for one" or "vote for two" or more, as the case may be, shall extend to the extreme right of the column and over the voting square. The designation of the office and the directions for voting shall be separated from the names of the candidates by a light line. The names of the candidates for such office shall be printed in eight point roman type (capitals) in proper order below the designation of the office, and, in the case of Congressional offices or the office of elector of President and Vice-President, in the same line in which the name of the candidate is printed and at the right of the name, or immediately below the name if there shall not be sufficient space to the right thereof, shall be printed in eight-point roman type (lower case) the designation of the political party or parties by or on behalf of which such candidate has been nominated. The name of the candidate, and the designation of the political party or parties by which he has been nominated shall be printed in a space one-half inch in depth, and shall be defined by light horizontal ruled lines, with a blank space on the right thereof one-half inch square, which blank space (called the voting square) shall be made use of by the voter to designate, by stamping a cross (X) therein and after the name of the candidate, his choice of particular candidates.

Heading

How printed

Voting square

Names of  
candidates how  
separated

5. The names of the candidates for an office shall not be separated from each other on the ballot by names of candidates for any other office, and the list of candidates for each office shall be separated from the list of candidates for other offices by a double rule above and below such list. Each series of the lists of candidates for the several offices shall be headed by the word "State," "Congressional," "Legislative," "County," or "Municipal" or other proper general classification, as the case may be, printed in heavy faced gothic capital type, not smaller than twelve point, each such word being separated from the names of the candidates beneath by a three-point line.



6. The left-hand side of each column of names on the ballot and also the right-hand side of each column of voting squares, shall be bordered by a broad printed line one-twelfth of an inch wide, and the edge of the ballot on the left-hand side thereof shall be trimmed off up to the first border or solid line on the left-hand side of the ballot, and on the right-hand side of the ballot shall be perforated along the border or solid line above described. The ballot shall be so printed as to give each voter a clear opportunity to designate by stamping a cross (X) in a blank enclosed space hereinbefore designated as the voting square, on the right of and after the name of each candidate whose name is printed on the ballot, his choice of particular candidates, or his choice of each and all of a group of candidates as provided in subdivision 2 of this section. The ballot shall be printed on the same leaf with a stub and separated therefrom by a perforated line across the top of the ballot. On each ballot a perforated line shall extend from top to bottom, along the border or solid line hereinbefore described, one-half inch from the right-hand side of the ballot, and upon the half-inch strip thus formed there shall be no printing except the number of the ballot, which shall be upon the back of such strip in such position that it will appear on the outside when the ballot is folded. The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county. All ballots printed by county clerks or registrars of voters other than the separate ballots containing the names only of candidates for city and county offices, printed by the county clerks or registrars of voters of consolidated cities and counties, shall have printed on the back, below the stub and immediately at the left of the center of the ballot, in eighteen-point gothic capitals the words "General Ticket," and underneath the respective number of congressional, senatorial and assembly districts in which each ballot is to be voted; and all ballots printed by county clerks or registrars of voters of consolidated cities and counties containing the names of candidates for city and county offices, and also all ballots printed by the clerks, registrars of voters or secretary of a legislative body of any incorporated city or town, shall have printed in the same manner, on the back, the words "Municipal Ticket." All municipal ballots shall be printed upon paper of a different tint from that of the general ballot.

Stub

Perforated line

Numbers on each  
ballot

General ticket

Municipal  
ticket

7. All of the ballots of the same sort prepared by any county clerk or registrar of voters, or clerk or secretary of a legislative body, or other person having charge of the preparing of such ballots, for the same polling

place, shall be precisely the same size, arrangement, quality and tint of paper, and kind of type, and shall be printed with black ink of the same tint, so that without the numbers on the stubs it shall be impossible to distinguish any one of the ballots from the other ballots of the same sort; and the names of all candidates printed upon the ballot shall be in type of the same size and character.

8. If two or more officers are to be elected for the same office for different terms, the term for which each candidate for such office is nominated shall be printed on the ballot as a part of the title of the office. If at a general election an office is to be filled for a full term, and also for a vacancy in another term, the list of candidates for the full term shall be placed on the ballot under the designation of the office with the words "full term" printed immediately thereafter, and the list of candidates to fill the vacancy shall be placed on the ballot under the designation of the office with the words "short term" printed immediately thereafter.

9. Whenever any question, proposition or constitutional amendment is to be submitted to the vote of the electors, there shall be printed at the right of the last column of names of candidates, another column of sufficient width, with voting squares in which such question, proposition or constitutional amendment shall be designated, which designation shall consist of a statement prepared as hereinbefore provided for and opposite such question, proposition or constitutional amendment, to be voted on, in separate lines, the words "Yes" and "No" shall be printed. If an elector shall stamp a cross (X) in the voting square after the printed word "Yes," his vote shall be counted in favor of the adoption of the question, proposition or constitutional amendment; if he shall stamp a cross (X) after the printed word "No," his vote shall be counted against the adoption of the same.

10. On the top of the face of the ballot, the following directions shall be printed:

#### Instructions to Voters.

To vote for a candidate of your selection, stamp a cross (X) in the voting square next to the right of the name of such candidate. Where two or more candidates for the same office are to be elected, stamp a cross (X) after the name of all the candidates for that office for whom you desire to vote, not to exceed, however, the number of candidates who are to be elected. To vote for a person whose name is not on the ballot, write the name of such person under the title of the office in the blank space left for that purpose. In the case of a name

Full term

Short term

Questions,  
propositions or  
constitutional  
amendments

Instruction to  
voters

written on the ballot, it is optional, but not necessary, to stamp a cross after such name. To vote on any question, proposition or constitutional amendment, stamp a cross (X) in the voting square after the word "Yes" or after the word "No." All marks, except the cross (X) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another. In elections when electors of President and Vice-President of the United States are to be chosen, there shall be placed upon the ballot in addition to the instructions to voters as above provided, an additional instruction as follows: To vote for all of a group of persons, stamp a cross (X) in the square opposite such group, this instruction appearing immediately before the words: "To vote for a person whose name is not on the ballot."

11. Except as to the order of the names of candidates, the ballots shall be printed substantially in one of the following forms, according as the election is a gubernatorial or a presidential election. (Amended January 9, 1912; June 14, 1913; April 28, 1915.)





### Initiative, Referendum and Recall Petition.

Duties prior to circulating petitions

Sec. 1197a. It shall be the duty of the proponents of any initiative measure relating to the Constitution or the laws of the State of California, prior to circulating any petition for signatures thereon, to submit a draft of said petition to the Attorney-General with a request that he prepare a title, and summary of the chief purposes and points of said proposed measure. Such title and summary shall forthwith be prepared in the manner provided for the preparation of ballot titles in Paragraph 3 of Section 1197 of the Political Code. Said title and summary shall not exceed one hundred words in all.

Number of words

Initiative petition

Sec. 1197b. The proponents of any proposed initiative measure shall place upon each section of the petition in relation thereto above the text of the measure the title and summary referred to in Section 1197a of the Political Code not exceeding one hundred words in all. Across the top of each page of any petition asking that any act or section, or part of any act of the Legislature be submitted to the electors for their approval or rejection, there shall be printed in twelve-point black-face type the following:

Referendum petition

#### "Referendum Against an Act Passed by the Legislature."

Recall petition

Across the top of each page after the first page of every initiative, referendum or recall petition or section thereof which may be prepared and circulated in accordance with law there shall be printed in eighteen-point gothic type a short title, in not to exceed twenty words, showing the nature of the petition and the subject to which it relates.

Duty of clerk

No officer chargeable by law with receiving or filing in his office any initiative, referendum or recall petition shall receive or file any such petition which does not conform with the provisions of this section. This section shall apply only to initiative, referendum and recall measures affecting the Constitution or laws of the State, or State officers. (Approved April 12, 1915.)

Printed ballots bound and recorded

Sec. 1198. All ballots, when printed, shall be bound in stub books, each book to consist of ten, or some multiple of ten, ballots and so issued. A record of the number of ballots printed by them shall be kept by the respective County Clerks, and by the clerk or secretary of the legislative body of each incorporated city or town. (In effect July 1, 1891. Amended March 24, 1911; amended April 23, 1913.)

Sec. 1199. The County Clerk or Registrar of Voters of each county shall provide for each election precinct in the county ten general tickets for every eight or fraction of eight electors registered in the election precinct for such election; and an additional ten ballots for each election precinct that has less than thirty registered electors; provided, that no ballot pad used or provided for any election shall contain less than ten general tickets for such election, and in case of a consolidated city and county, an equal number of municipal tickets, when any city and county officers are to be elected and the clerk or secretary of the legislative body of any incorporated city or town shall furnish a like number of municipal tickets when any city or town officer is to be elected. And upon the day of election, immediately upon the arrival of the hour when the polls are required by law to be closed, the county clerk in each county shall openly, in his main office, in the presence of as many persons as may there assemble to observe his act, proceed to destroy every unused ballot which shall have remained in his possession, custody, or control, and forthwith make and file his affidavit, in writing, as to the number of ballots so destroyed. (Amended March 28, 1899; amended March 19, 1909; amended April 23, 1913.)

How many  
ballots provided  
for each  
precinct

Clerk to  
destroy  
unused ballots  
and file  
affidavit

Sec. 1200. Whenever it shall appear by affidavit that an error or omission has occurred in the publication of the name or description of the candidates nominated for office, or in the printing of the ballots, the Superior Court of the county, or the Judge thereof, shall, upon application by any elector, by order, require the County Clerk to correct such error, or to show cause why such error should not be corrected. (In effect July 1, 1891.)

How errors  
in publication  
corrected

Sec. 1201. Before the opening of the polls at any election within any county, the County Clerk of the county shall cause to be delivered to the Boards of Election of each election precinct which is within the county, and in which the election is to be held, at the polling place of the election precinct, the proper number of general tickets of the kind to be used in the election precinct, in sealed packages, with marks on the outside clearly designating the precinct or polling place for which they are intended, and the number of ballots inclosed; and in case of a consolidated city and county, also a like number of municipal tickets; and the Clerk or Secretary of any incorporated city or town shall, in like manner, cause to be delivered the proper number of municipal tickets. The County Clerk, Clerk or Secretary shall prepare a receipt for each polling place, enumerating the packages, and stating the time and day and date when the same were delivered by him to the Inspectors of Election. The In-

Sealed  
packages  
of tickets  
for precincts

Receipts  
for ballots  
taken

Messengers  
employed

In case of  
destruction  
of ballots

Governor  
may order  
new election

Polling  
places and  
ballot  
boxes

Booths,  
compartments

Guard rails

Ballot  
boxes not  
to be  
hidden

Number  
of voting  
booths

Supplies

spectors of Election shall sign said receipt, upon receipt of the packages, which shall forthwith be returned and filed. The County Clerk, Clerk and Secretary, respectively, shall have authority to employ such messengers as may be necessary to insure the safe and expeditious delivery of the ballots to the Inspectors or Judges of Election, as provided in this Code; and the Board of Supervisors, or other Board or body having the control of elections, shall allow such messengers a reasonable compensation for their services, to be paid as other election expenses are paid. In case of the prevention of an election in any precinct by the loss or the destruction of the ballots intended for that precinct, the Inspector, or other election officer for that precinct, shall make an affidavit setting forth the fact, swear to the same before an officer authorized to administer oaths, and transmit it to the Governor of this State. Upon receipt of such affidavit, the Governor may order a new election in such precinct, and upon the application of any candidate for any office to be voted for by the electors of such precinct, the Governor shall order a new election in such precinct. (In effect July 1, 1891.)

Sec. 1203. All officers upon whom is imposed, by law of the State, the duty of designating polling places, shall cause such polling places to be suitably provided with a ballot-box, to be marked on the outside "General Tickets," and when any city, city and county, or town officers are to be elected, a second ballot-box to be marked on the outside "Municipal Tickets"; and shall also provide a sufficient number of places, booths, or compartments, at or in which voters may conveniently mark their ballots, so that in the marking thereof they may be screened from the observation of others; and a guard-rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot-boxes, and of such booths or compartments. The arrangements shall be such that neither the ballot-boxes nor the box booths or compartments shall be hidden from the view of those just outside the said guard-rail. The number of such voting booths or compartments shall not be less than one for every forty electors qualified to vote in the precinct. No person other than electors engaged in receiving, preparing, or depositing their ballots shall be permitted to be within said rail before the closing of the polls, except by authority of the Board of Election, and then only for the purpose of keeping order and enforcing the law. Each of said voting booths or compartments shall be kept provided with proper supplies and conveniences for marking the ballots. And the election officers shall especially see that the stamps and ink-pads required are at all times in such booths and in condition for proper



use; and all officers upon whom is imposed by the law, the duty of designating polling places shall supply each polling place with several stamps and several ink-pads for each booth, and such stamps shall be so made that a cross (X) may be made with either end of such stamp, and the same must be so constructed that the portion with which such cross (X) is to be made shall not be fastened on by any glue or like substance which may loosen when wet, but the said stamp shall be one solid piece. (In effect March 28, 1895.)

### Voting.

Sec. 1204. Any person desiring to vote shall write his or her name and address (or if he or she be unable to write, shall have the same written for him or her) on a roster of voters provided for that purpose and announce the same to one of the election officers, who shall then in an audible tone of voice announce the same, and if another election officer finds the name on the register, he shall in a like manner repeat the name and address, whereupon a challenge may be interposed as provided in Section 1230 of this code. In case the surname of any female person offering to vote has been changed by reason of marriage or divorce since registration such person shall sign her name as it was before such marriage or divorce and also her name as it is at the time she votes, indicating on the roster, by brackets or other means, that the two names are the names of one person. In all cases except in those where the name and address of the voter is written on the roster of voters for him, as above provided, it shall be the duty of the election officer in the presence and view of the bystanders, to compare the signature of the voter on the roster of voters with the signature of that person on the register and no ticket shall be given such voter until such comparison of signatures shall have been made, and until such a comparison has been made, as aforesaid, the right of a voter to vote may be challenged. If the challenge be overruled the election officer shall give the voter a ticket and the clerk shall write on the register opposite the name of the voter the number of the general ticket given him and also the number of the municipal ticket given him when any city, city and county or town officer is to be elected and the voter shall be allowed to enter the place enclosed by the guard rail as above provided. The election officer shall give him but one general ticket and where any city, city and county or town officers are to be elected also one municipal ticket and only one ballot of each kind and in order to prevent voters from marking their ballots with a pencil, or otherwise contrary to law, it shall be the duty

Form of  
Voting  
Duty of  
Ballot Clerk

Challenges

of the election officer whenever he shall deliver a ballot to any voter to then orally distinctly state to him, so that it may be heard by the bystanders, that he must mark the ballot with the stamp provided by law or it will not be counted. (Amended March 6, 1889; March 18, 1905; January 9, 1912; June 14, 1913.)

### BALLOTS—HOW MARKED; HOW VOTED.

Ballots

Sec. 1205. On receiving his ballot, the elector shall forthwith and without leaving the inclosed space, retire alone to one of the places, booths or compartments provided, to prepare his ballot. In voting he shall stamp a cross (X) in the voting square after the name of every candidate for whom he intends to vote and this shall be counted as a vote for each person after whose name the voter has stamped such cross, or he may vote for a candidate or person whose name is not printed on the ballot by writing a name for such office in the blank space left therefor, in which latter case the vote of such voter for that office shall be counted for the person whose name is so written. Where two or more candidates for the same office are to be elected and the voter desires to vote for candidates for that office, he must stamp a cross (X) after the names of all the candidates for that office for whom the voter desires to vote, not exceeding, however, the number of candidates who are to be elected. In case of a question, proposition or constitutional amendment submitted to the vote of the electors, the voter shall mark his ballot by stamping in the appropriate voting square a cross (X) opposite the answer he desires to give as to such question, proposition or constitutional amendment. All crosses shall be made only with a stamp, which with necessary pads and ink, shall be provided by the officers who by law are required to furnish election supplies for each booth or compartment provided for the marking and preparation of ballots. Before leaving such booth or compartment the elector shall fold his ballot in such a manner that the number of the ballot and the indorsement on the back shall appear on the outside thereof, without displaying the marks on the face thereof, and shall keep it folded until he has voted. Having folded his ballot, the voter shall deliver it folded to the inspector who shall announce in an audible tone of voice the name of the voter and the number of his ballot. If the Ballot Clerk having in charge the register or affidavits of registration finds such number to correspond with the number

Two or more  
candidates

Rubber  
stamp

Folding  
ballot

marked opposite the voter's name on the register or affidavit of registration, he shall, in like manner, repeat the name and number, and shall write opposite the name the word "voted." The Inspector shall then separate the slip containing the number from the ballot, deposit the ballot in the box and immediately destroy such numbered slip.

Inspector to  
separate  
slip

(Approved March 14, 1903. Amended March 20, 1911.)

Sec. 1206. No more than one person shall be permitted to occupy any one booth at one time, and no person shall remain in or occupy a booth longer than necessary to prepare his ballot, and in no event longer than ten minutes. (In effect July 1, 1891.)

Time allowed  
to vote

Sec. 1207. Any voter who shall spoil a ballot shall return such spoiled ballot to the Ballot Clerk and receive another one in its place, one at a time, not to exceed three in all. All the ballots thus returned shall be immediately canceled, and, with those not distributed to the voters, shall be returned with the registered list and ballots, as now provided in Sections 1263 and 1264 of this Code. Every elector who does not vote the ballot delivered to him, shall, before leaving the polling place, return such ballot to the Ballot Clerks having charge of the ballots, who shall immediately cancel the same and return them in the same manner as spoiled ballots. The Ballot Clerks shall account for the ballots delivered to them by returning a sufficient number of unused ballots to make up, when added to the number of official ballots cast and the number of spoiled ballots returned, the number of ballots given to them, and it shall be the duty of the officers receiving such returned ballots to compel such an accounting; and immediately upon the closing of the polls, and before any ballot shall be taken from the ballot-boxes, or either thereof, the Ballot Clerks must, in the presence of all persons in the room who may desire to observe the same, proceed to deface every unused or spoiled ballot by drawing across the face thereof, in writing ink, with a pen, two lines which shall cross each other, and said Ballot Clerks shall thereupon immediately, and before any ballots be taken from the ballot-box, or either thereof, place all said ballots thus defaced within an envelope and seal said envelope, and thereupon a majority of the election officers shall immediately write their names across the sealed portion of said envelope. (In effect March 28, 1895.)

Spoiled  
ballots to  
be returned  
and canceled

Ballot Clerk  
to account  
for all ballots  
delivered

Cancelling  
all unused  
ballots

# ELECTORS PHYSICALLY DISABLED OR UNABLE TO READ.

Illiterate voter,  
officers to  
assist

What  
officers

Information  
secret

Form of  
oath

Sec. 1208. When it appears from the register that any elector has declared under oath, when he registered, that he cannot read, or that by reason of physical disability he is unable to mark his ballot, he shall, upon request, receive the assistance of two of the officers of election of different political parties, in the marking thereof, to be chosen as follows: One by the Inspector then receiving the ballots, and the other by the Judge of the opposite political party which at the last election cast the highest number of votes throughout the State, and in the event there are more Judges than one of said party, then by one of said Judges who shall be named by said Inspector. Neither of the persons appointed shall be of the same political party with the person appointing, nor shall either of said persons so making said appointments appoint the other for said purpose. Such officers shall thereafter give no information regarding the marking of said ballot. The officers making such appointments shall make the same in writing, and sign the same, and upon the same paper the persons so appointed shall subscribe and take the following oath before assisting such elector:

State of California, County of . . . . ., Assembly District Number . . . , . . . Precinct, ss.

. . . . . and . . . . ., being duly sworn, each for himself, says that he is one of the officers of election appointed to assist . . . . . (here insert the name of the elector) in marking his ballot, and that he will not give any information, now or hereafter, regarding the same.

. . . . .  
. . . . .

Subscribed and sworn to before me this . . . . . day of . . . . . A. D., 19 . . . .

. . . . .

Oaths to  
be returned  
to clerk

Said affidavits may be sworn to before any officer of election competent to administer an oath, and the same, with the indorsement thereon, shall be returned to the County Clerk, as provided in Section 1261 of this Code.

List of  
illiterates  
to be kept

Lists of voters who have been assisted in marking their ballots shall be kept by the Clerks keeping the poll lists, and shall be returned and preserved as the Poll Lists are returned and preserved. As amended March 23, 1893. (Approved March 28, 1895.)

# BALLOTS WITHOUT NUMBER FIRST BEING REMOVED NOT TO BE DEPOSITED IN BALLOT-BOX.

Sec. 1209. No member of the Board of Election shall deposit in the ballot-box any ballot from which the slip containing the number of the ballot has not been removed by the Inspector. (In effect July 1, 1891.)

Ballot  
number

## Sample Ballots and Cards of Instruction.

Sec. 1210. The County Clerk of each county, or, in case of separate city or town elections, the clerk or secretary of the legislative body of such city or town, shall cause to be printed, on plain white paper, without watermark, at least as many copies of the form of ballots provided for use in each voting precinct as there shall be registered voters in such precinct. Such copy shall be designated "sample ballot" upon the face thereof. Said clerk or secretary shall commence to mail the same, postage prepaid, to registered voters not more than twenty-five, nor less than ten days before the day fixed by law for such election, and shall have all of the same mailed at least seven whole days before the day of election; provided, that not more than one sample ballot shall be furnished to any one voter; and further, provided, that for any general election the number of sample ballots printed shall not exceed the total registration by more than fifteen per cent of such registration. Such clerk or secretary shall also enclose in the envelope with each of said ballots a card stating the location of the precinct polling place of each elector. Only official matter shall be sent out in such envelope. Such clerk or secretary shall cause to be printed in large, clear type, on cards, instructions for the guidance of electors in obtaining and marking their ballots, and he shall furnish twelve such cards to the Board of Election in each election precinct in his county, at the same time and in the same manner as the printed ballots and sample ballots. The Board of Election shall post at least one of such cards in each booth or compartment provided for the preparation of ballots, and not less than three of such cards at other places in and about the polling place, on the day of election. Sections 1214 and 1215 of this Code, and Section 61 of the Penal Code, shall also be printed on each of said cards. (Amended March 20, 1899; April 12, 1911; January 9, 1912; June 14, 1913; May 26, 1915.)

Sample  
ballots and  
h.w furnished

Notice of  
polling place

Instructions  
to voters

Cards to  
be posted  
and how  
many

## RULES FOR COUNTING.

Sec. 1211. 1. In canvassing the votes any ballot which is not marked by the elector as provided by law shall be void; but such ballot must be preserved and returned with the other ballots; provided, however, that two or more impressions of the voting stamp in one voting square, or a cross (X) made partly within and partly without a voting square or space shall not make such ballot void. Any name written upon a ballot shall be counted for such name for the office under which it is written; provided, it is written in the blank space therefor, whether or not a cross (X) is stamped, or made with pen or pencil, in the voting square after the name so written.

2. If a voter marks more names than there are persons to be elected to an office, or if, for any reason, it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office.

3. If a voter stamps in the voting square after the name of any candidate and also writes the name of a person for such office in the blank space, such act does not invalidate his ballot, but his vote shall not be counted for any person for that office, but as to all other offices the ballot must be counted for the candidates opposite whose names the ballot is stamped in the voting squares.

4. No mark upon a ballot which is unauthorized by this act shall be held to invalidate such ballot; unless it shall appear that such mark was placed thereon by the voter for the purpose of identifying such ballot. (Amended March 14, 1903; March 20, 1911; May 26, 1915.)

## TWO HOURS ALLOWED EMPLOYEES ON ELECTION DAY.

Sec. 1212. Any person entitled to vote at a general election held within this State, shall, on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged, or employed, for the period of two consecutive hours, between the time of opening and the time of closing the polls; and such voter shall not, because of so absenting himself, be liable to any penalty, nor shall any deduction be made on account of such absence from his usual salary or wages. (In effect July 1, 1891.)

## FALSE NOMINATIONS.

Sec. 1213. No person shall falsely make, or fraudulently deface or destroy any certificate of nomination, or any part thereof; or file any certificate of nomination, knowing the same or any part thereof to be falsely made;

Rights of  
voters on  
election day

Fraud

or suppress any certificate of nomination which has been duly filed, or any part thereof, or to make, use, keep, or furnish to others, except as in this Code so directed, any paper watermark in imitation of ballot paper, or disclose the same to any person not engaged in making, printing or distributing of ballot paper or ballots. (In effect July 1, 1891.)

Sec. 1214. No person shall, during an election, remove or destroy any of the supplies or other conveniences placed in the voting booths or compartments, as provided in this Code, for the purpose of enabling the voter to prepare his ballot. No person shall, during an election, remove, tear down, or deface the cards printed for the instruction of voters. (In effect July 1, 1891.)

Removal of  
supplies, etc.,  
prohibited

### General Restrictions.

Sec. 1215. No officer of election shall disclose to any person the name of any candidate for whom any elector has voted. No officer of election, nor any person, shall do any electioneering on election day within one hundred feet of any polling place. Unless otherwise provided by law no person shall remove any ballot from any polling place before the closing of the poll. Unless otherwise provided by law no person shall apply for or receive any ballot at any election precinct other than that in which he is entitled to vote. No person shall show his ballot after it is marked to any person in such a way as to reveal the contents thereof, or the name or names of the candidate or candidates for whom he has marked his ballot; nor shall any person, except a member of the board of election, receive from any voter a ballot prepared by such voter, or examine such ballot, or solicit the voter to show the same. No person shall ask another at a polling place for whom he intends to vote. Unless otherwise provided by law no voter shall receive a ballot from any other person than one of the election officers; nor shall any other person than an election officer, or other officer authorized by law so to do, deliver a ballot to such voter. No voter shall deliver to the board of election, or to any member thereof, any ballot other than the one he has received from the election officer or other officer duly authorized by law to furnish him with such ballot. No voter shall place any mark upon his ballot by which it may be afterwards identified as the one voted by him. No person shall solicit a vote or speak to a voter on the subject of marking his ticket within one hundred feet of the polling place. (Amended July 1, 1891; June 14, 1913.)

Secrecy of  
ballot

Officers of  
election not to  
disclose name  
of any candidate  
voted for

No interference  
with voter  
allowed

Identification  
mark

Soliciting votes  
prohibited

Sec. 1216. In all counties, and cities and counties, in this State, having a Registrar of Voters and a Board of

Election Commissioners, the powers conferred and the duties imposed by this Code upon the County Clerks and other officers, in relation to matters of election and polling places, shall be exercised and performed by such Registrar of Voters, and Board of Election Commissioners; and all certificates of nomination, nomination papers, or election papers, required by this Code or by law to be filed with or presented to the County Clerk, shall be filed with or presented to the Registrar of Voters; and the Deputies or Clerks in the office of the Registrar of Voters acting under the orders of the Registrar of Voters, or the Election Commission shall have all the powers of the deputies of the County Clerk in matters relating to elections. (Amended May 1, 1911.)

When voting  
commences

Sec. 1224. Voting may commence as soon as the polls are opened, and may be continued during all the time the polls remain open.

Manner of  
voting

Sec. 1225. The person offering to vote must hand his ballot to the Inspector, or to one of the Judges acting as Inspector, and announce his name and the number affixed to it on the register in use at the precinct where he offers his vote; provided, that in incorporated cities and towns the said person shall also give the name of the street, avenue, or location of his residence, and the number thereof, if it be numbered, or such clear and definite description of the place of such residence as shall definitely fix the same.

Announcement  
of voter's  
name, etc.

Sec. 1226. The Inspector, or Judge acting as such, must receive the ballot, and before depositing it in the ballot-box must, in an audible tone of voice, announce the name and register number; provided, that in incorporated towns and cities the said Inspector, or Judge acting as such, shall also announce the residence of the person voting, and the same shall be recorded on the poll list by the Poll Clerk.

Putting ballot  
in box

Sec. 1227. If the name be found on the register in use at the precinct where the vote is offered, and the vote is not rejected upon a challenge taken, the Inspector, or Judge acting as such, must, in the presence of the Board of Election, place the ballot, without opening or examining the same, in the ballot-box; and no person shall be allowed to vote whose name is not on said register in use at the precinct.

Record that  
person has voted,  
how kept

Sec. 1228. When the ballot has been placed in the box, one of the Judges must write the word "voted" opposite the number of the person on the printed copy of the register.

Poll list

Sec. 1229. Each Clerk must keep a list of persons voting, and the name of each person who votes must be entered thereon, and numbered in the order of voting.



## GROUNDS OF CHALLENGE.

Sec. 1230. A person offering to vote may be orally challenged by any elector of the county upon either or all of the following grounds:

Challenge

1. That he or she is not the person whose name appears on the register.

2. That he or she has not resided within the State one year next preceding the election.

3. That he or she has not been a naturalized citizen of the United States for ninety days prior to the election.

4. That he or she has not resided within the county for ninety days preceding the election.

5. That he or she has not resided within the precinct for thirty days next preceding the election.

6. That he or she has before voted that day.

7. That he or she has been convicted of an infamous crime.

8. That he or she has been convicted of the embezzlement or misappropriation of public money.

9. That he or she can not read as required by the constitution, and does not appear by statement in the affidavit of registration to be entitled to vote notwithstanding such inability. (Amended May 27, 1913.)

Sec. 1231. If the challenge is on the ground that he is not the person whose name appears on the Great Register, the Inspector must tender him the following oath:

"You do swear (or affirm) that you are the person whose name is entered on the Great Register."

Sec. 1232. If the challenge is on the ground that he has not resided in the State for one year next preceding the election, the person challenged must be sworn to answer questions, and, after he is sworn, the following questions must be propounded to him by the Inspector:

1. Have you resided in this State for one year immediately preceding this election?

2. Have you been absent from this State within one year immediately preceding this election? If yes, then,

3. When you left, did you leave for a temporary purpose, with the design of returning, or for the purpose of remaining away?

4. Did you, while absent, regard this State as your home?

5. Did you, while absent, vote in any other State?

And such other questions as may be necessary to a determination of the challenge. (In effect April 16, 1880.)

Sec. 1233. If the challenge is on the ground that he has not resided in the county for ninety days, or precinct for thirty days next preceding the election, the person challenged must be sworn to answer questions, and, after he is sworn, the following questions must be propounded to him by the Inspector:

1. When did you last come into this county or election precinct?

2. When you came into this county or precinct did you come for a temporary purpose merely, or for the purpose of making it your home?

3. Did you come into this county or precinct for the purpose of voting here?

And such other questions as may be necessary to a determination of the challenge. (In effect April 16, 1880.)

Sec. 1234. If the challenge is on the ground that the person challenged has before voted that day, the Inspector must tender to the person challenged this oath:

"You do swear (or affirm) that you have not before voted this day."

Sec. 1235. If the challenge is on the ground that the person challenged has been convicted of an infamous crime, or that he or she has been convicted of the embezzlement or misappropriation of public money, he or she must not be questioned, but the fact may be proved by the production of an authenticated copy of the record, or by the oral testimony of two witnesses. If the challenge is on the ground that the person challenged can not read as required by the constitution, and it does not appear by the statement in the affidavit of registration that said person is entitled to vote notwithstanding such inability, the challenge shall be determined by the board by the inspection of the said affidavit, and by requiring the person offering to vote (if it does not appear from said affidavit that the person is entitled to vote notwithstanding such inability) to read any consecutive one hundred words of the constitution of the State selected by the judges. (Amended May 27, 1913.)

Sec. 1236. Challenges upon the ground either:

1. That the person challenged is not the person whose name appears on the Great Register:

2. That the party has before voted on that day  
—are determined in favor of the party challenged by his taking the oath tendered.

Sec. 1237. If the challenge is on the ground that the person challenged is not the person whose name appears on the Great Register, he must take the oath tendered by the Board. Challenges for causes other than those specified in the preceding Section must be tried and determined by the Board of Election at the time of the challenge. (In effect April 16, 1880.)

Sec. 1238. If any person challenged refuses to take the oaths tendered, or refuses to be sworn and to answer the questions touching the matter of residence, he must not be allowed to vote.

Refusal to  
take oath

## RULES FOR DETERMINING QUESTION OF RESIDENCE.

Sec. 1239. The Board of Election, in determining the place of residence of any person, must be governed by the following rules, as far as they are applicable:

Residence

1. That place must be considered and held to be the residence of a person in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning;

2. A person must not be held to have gained or lost residence by reason of his presence or absence from a place while employed in the service of the United States, or of this State, nor while engaged in navigation, nor while a student at any institution of learning, nor while kept in an almshouse, asylum, or prison;

3. A person must not be considered to have lost his residence who leaves his home to go into another State, or precinct in this State, for temporary purposes merely, with the intention of returning;

4. A person must not be held to have lost his residence by reason of his absence from a place for a longer period than six months.

San Francisco, October 8, 1915.

## NOTICE

The last clause of division 4 of Section 1239 Political Code, to-wit, the words

"Any person registered in one precinct, and removing therefrom to another precinct in the same county within thirty days of an election, shall be deemed to be a resident of the precinct from which he so removed until after such election" were declared unconstitutional and void by decision of the Supreme Court of California, on October 4, 1915. Such words will be treated by election officers as if not printed in the election manual.

J. H. ZEMANSKY,

Registrar of Voters.

6. If a person remove to another State with the intention of remaining there for an indefinite time, and as a place of present residence, he loses his residence in this State, notwithstanding he entertains an intention of returning at some future period;

7. The place where a man's family resides must be held to be his residence; but if it be a place for temporary establishment for his family, or for transient objects, it is otherwise;

8. If a man have a family fixed in one place, and he does business in another, the former must be considered his place of residence; but any man having a family, and who has taken up his abode with the intention of re-

maining, and whose family does not so reside with him, must be regarded as a resident where he has so taken up his abode;

9. The mere intention to acquire a new residence, without the fact of removal, avails nothing, neither does the fact of removal, without the intention. (Amended May 26, 1915.)

Term of  
residence

Sec. 1240. The term of residence must be computed by including the day on which the person's residence commenced, and by excluding the day of election.

Before  
administering  
oath, what

Sec. 1241. Before administering an oath to a person touching his place of residence, the Inspector must, if requested by any person, read to the person challenged, the rules prescribed by Sections 1238 and 1239.

List of  
challenges

Sec. 1243. The Board must cause one of the Clerks to keep a list, showing:

1. The names of all persons challenged.

2. The grounds of such challenges.

3. The determination of the Board upon the challenge.

### CANVASSING AND RETURNING THE VOTE.

Canvass of  
votes

Sec. 1252. As soon as the polls are finally closed the Judges must immediately proceed to canvass the votes given at such election. The canvass must be public, in the presence of bystanders, and must be continued without adjournment until completed and the result thereof is declared.

### CANVASS—HOW COMMENCED.

#### DOUBLE BALLOTS.

If two ballots  
are folded  
together, action  
of officers

Sec. 1254. If two or more separate ballots are found so folded together as to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed; then, if upon comparison of the count with the number of names of electors on the lists which have been kept by the Clerks, it appears that the two ballots thus folded together were cast by one elector, they must be rejected. (Approved March 30, 1874.)

#### EXCESS OF BALLOTS.

If ballots exceed  
number on  
list, action  
of officers

Sec. 1255. The ballots must be immediately replaced in the box, and if the ballots in the box exceed in number the names on the lists, one of the Judges must publicly, and without looking in the box, draw out therefrom singly, and destroy, unopened, a number of ballots equal to such excess; and the Board of Election must make a record, upon the poll list, of the number of ballots so drawn and destroyed. (Approved March 30, 1874. Amended March 18, 1895.)

## POLL LISTS TO BE SIGNED AND ATTESTED.

Sec. 1256. The number of ballots agreeing or being thus made to agree, with the number of names on the lists, the lists must be signed by the members of the Board and attested by the Clerks, and the number of names thereon must be set down in words and figures at foot of each list, and over the signatures of the Judges and the attestation of the Clerks, substantially in the form prescribed in Section 1174.

Lists to be  
signed by Board  
of Election  
Clerks

## BALLOTS—HOW COUNTED AND DISPOSED OF.

Sec. 1257. After the lists are thus signed, the Board must proceed to open the ballots, and count and ascertain the number of votes cast for each person voted for. At all elections where a general ticket and a municipal ticket are used, the canvass of the general ticket shall be completed before the canvass of the municipal ticket is commenced. All ballots rejected for illegality must be indorsed upon the ballot the cause of such rejection and signed by a majority of the Election Board, and thereafter strung upon a string. (Approved March 20, 1899.)

General ticket  
to be counted  
first

Rejected  
ballots

### Clerks to Keep Tallies.

Sec. 1258. Each clerk must write down each office to be filled, and the name of each person marked in each ballot as voted for to fill such office, and keep the number of votes by tallies, as they are read aloud. Such tallies must be made with pen and ink as the name of each candidate voted for is read aloud from the respective ballot, and immediately upon the completion of the tallies the clerks who respectively complete the same must draw two heavy lines in ink from the last tally mark to the end of the line in which such tallies terminate, and also write the initials of the person making the last tally in such line. The ballot so read and the tally sheet so kept must, during the reading and tallying, be within the clear view of watchers at the count. (Amended March 28, 1895; June 14, 1913.)

How records  
are kept

Heavy ink lines  
after last tally

## BALLOTS—DISPOSED OF, WHEN COUNTED.

Sec. 1259. The ballot, as soon as the names marked on it as voted for are read and verified, must be strung on a string by one of the Judges, and must not thereafter be examined by any person, but must, as soon as all are counted, be carefully sealed in a strong envelope, each member of the Board writing his name across the seal. (Approved March 20, 1899.)

Ballots on  
string

## SIGNING AND ATTESTING TALLY LISTS.

Tally list

Sec. 1260. As soon as all the votes are counted and the tickets sealed up, lists must be attached to the tally lists containing the names of the persons voted for and for what office, and the number of votes given for each candidate, the number being written at full length, and such lists must be signed by the members of the Board and attested by the Clerks, substantially in the form in Section 1174 given.

## RETURNS TO BE SEALED.

Sealing of returns and what envelope shall contain

Sec. 1261. The Board must, before it adjourns, inclose in a cover, and seal up and direct to the County Clerk, the copy of the register upon which one of the Judges marked the word "voted" as the ballots were received, all certificates of registration received by it, one of the lists of the persons challenged, one copy of the list of voters, and one of the tally lists and list attached thereto. The Board must also, before it adjourns, post conspicuously, on the outside of the polling place, a copy of the result of the votes cast at such polling place; such copy of the result must be signed by the members of the Board, and attested by the Clerks. The Board must also immediately transmit unsealed to the County Clerk a copy of the result of the votes cast at such polling place, which copy must be signed by the members of the Board, and which copy shall be open to the inspection of the public. It shall be a misdemeanor for any person to remove or deface such posted copy of the result or to delay or change the copy to be delivered to the County Clerk. (Approved February 14, 1901.)

Posting copy of result

Copy of result must be sent to Registrar

Penalty for failing to perform, etc.

## Inspector to File Election Returns With Registrar.

Sec. 1262. The other list of voters, tally list, and list attached thereto must be sent to the County Clerk or Registrar, and retained by him open to inspection of all electors for at least six months. (In effect July 6, 1874. Amended May 27, 1913.)

Sec. 1263. The sealed packages containing the register, lists, papers, and ballots, must, before the Board adjourns, be delivered to one of its number, to be determined by lot unless otherwise agreed upon.

Duty of Inspectors

Returns to be delivered to one of the Board and duty of same

## RETURNS.

Sec. 1264. The member to whom such packages are delivered, must, without delay, deliver such packages without their having been opened, to the County Clerk, nearest postmaster, or sworn express agent, who shall endorse on such packages the name of the party deliver-

Delivery of packages to whom

ing them, and date of such delivery. If delivered to a postmaster or express agent, such postmaster or express agent shall forward the packages by the first mail or express to the county seat. In the City and County of San Francisco, such packages must be delivered to the Registrar of Voters within three hours from the time of adjournment of the Board, which time of adjournment must be endorsed upon such package, and upon each poll list, in ink, and signed by a majority of the members of such Board. In the City and County of San Francisco the packages must be put up and sealed in the following manner, by an Inspector, and at least three other members of the Board, and be signed with their respective signatures across (flap) the same written:

Duty of  
carrier

How delivered  
in San Francisco

One package to contain the voted ballots only; one package to contain one poll and tally list only; one package to contain the precinct registers, index to register, list of voters challenged, and list of assisted voters; and one package to contain the unused ballots. (Approved March 23, 1893. Amended March 18, 1905.)

Sec. 1264a. The Board of Election must, before it adjourns, enclose in a cover and seal up and direct to the County Clerk or to the Registrar of Voters, in counties or cities and counties in this State having a Registrar of Voters, the roster of voters and such sealed package containing such roster of voters must be delivered to that one of its members who has been selected to deliver the other sealed packages required by law. This member must, without delay, deliver the package containing the roster of voters without its having been opened in the same manner and to the same persons and officials as he is required by law to deliver the other sealed packages entrusted to him by said Board. All rosters of voters must be kept in the office of the County Clerk or in the office of the Registrar of Voters in counties and cities and counties having a Registrar of Voters, as a public record, for a period of one year and when received by such County Clerk or Registrar of Voters, all packages containing such rosters of voters shall be unsealed and such rosters of voters shall at all times be open to the inspection of any citizen. The provisions of this section shall apply to all rosters of voters whether used at elections or primary elections. (Approved March 21, 1905.)

Sealing of  
packages in  
San Francisco

Sec. 1265. On receipt of the packages the Clerk must file the one containing ballots, and must keep it unopened and unaltered for twelve months, after which time, if there is not a contest commenced in some tribunal having jurisdiction about such election, he must burn the package without opening or examining its contents; provided, however, that after the time limited for a

Duty of Clerk  
on receipt of  
packages

Contest

Duty of Clerk  
when packages  
are returnedCongressional  
contest. Duty  
of ClerkDuty of Clerk  
if a contest is  
commenced

contest, and in the event any contests have been commenced, then after said ballots have been opened and counted by the Superior Court in said contests, a Judge of the Superior Court of the county wherein said ballots were voted may order said packages to be opened for inspection in any case being tried in his court where he has jurisdiction of the same, whenever he shall deem it necessary to inspect the ballots contained in said packages in order to produce testimony to establish the proof of any material issue of fact arising in the course of the trial of said case. In no event shall the said packages, or any of them, or the ballots contained therein, be taken from the custody of the County Clerk. Whenever said packages, or any of them, shall have been inspected and examined, and a record made of the testimony therein contained, the same shall be restored to the exclusive control and custody of the County Clerk, who shall reseal the packages with the ballots contained therein, and keep the same until he shall burn them, in accordance with the direction of this section; provided, further, that if any Congressional district within this State there has been or shall be filed a contest of the election of any person declared to have been elected a member of Congress, and the County Clerk or Registrar of Voters in any county, or city and county, be notified by the contestant, that such Congressional election contest is pending, then and in that case such County Clerk or Registrar of Voters shall not destroy the ballots in that county, or city and county, or in the part or portion thereof within such Congressional district in which such contest is pending, until the final determination of such contest before the House of Representatives of the Congress of the United States; and such County Clerk or Registrar of Voters shall hold such ballots in his custody subject to the inspection of any committee of the House of Representatives or sub-committee thereof, having in charge the investigation of such contest, and shall produce such ballots for examination before any such committee of the House of Representatives or sub-committee or before any commissioner designated by such Congressional committee or sub-committee or before any officer designated by Act of Congress and duly selected to take depositions and proof of any such contest of the election of any person to Congress. (Approved February 27, 1903.)

Sec. 1266. If within twelve months there is such a contest commenced, he must keep the package unopened and unaltered until it is finally determined, when he must, as provided in the preceding section, destroy it, unless such package is, by virtue of an order of the tribunal in which the contest is pending, brought and opened before it, to the end that evidence may be had of its contents, in



which event the package and contents are in the custody of such tribunal.

Sec. 1267. The other package the Clerk must produce before the Board of Supervisors, when it is in session, for the purpose of canvassing returns.

Canvassing  
returns

Sec. 1268. As soon as the returns are canvassed the Clerk must take the copy of the register returned and file it in his office.

Clerk must file  
copy of Register  
returned

### CANVASS OF RETURNS.

Sec. 1278. The Board of Supervisors of each county must meet at their usual place of meeting, on the first Monday after each election, to canvass the returns. (Approved March 15, 1887.)

When Board  
shall meet

Sec. 1280. If, at the time of the meeting, the returns from each precinct in the county in which polls were opened have been received, the board must then and there proceed to canvass the returns; but if all the returns have not been received, the canvass must be postponed from day to day until all of the returns are received, or until six postponements have been had. In any county or city and county where the number of election precincts in said county or city and county exceed five hundred, said board may appoint several sets of clerks to perform the clerical work of the canvass and to assist in canvassing said returns; and said several sets of clerks so appointed may, under the order and direction of said board, do and perform such work in the canvassing of such returns simultaneously. Such canvass may be made at such place in the county or city and county as the board may by order entered in its minutes designate and declare to be a necessity; provided, that where it shall be made at a place other than the usual place of meeting of such board, the place shall be open to the public and the canvass must be made in public, and the said board shall cause public notice to be posted at the usual place of meeting of said board in a conspicuous place for at least three (3) days before the time for making such canvass, and during all the time while such canvass is being made, which notice shall state clearly and fully the designation and description of the place where such canvass will be made and conducted. (Amended December 23, 1911.)

To canvass  
returns

Sec. 1281. The canvass must be made in public, and by opening the returns and estimating the vote of such county or township for each person voted for, and for and against each proposition voted upon at such election, and declaring the result thereof; and such count

Canvass,  
how made

Canvass con-  
tinued daily

must be continued daily, Sundays and holidays excepted, and for not less than six (6) hours each and every day until completed. (Approved March 4, 1899.)

Sec. 1281a. If it shall appear that the returns from any precinct or precincts are incomplete, or ambiguous, or are not properly authenticated, or are otherwise defective, the Board of Supervisors, or Canvassing Board, or Election Commission may cause subpoenas to be issued and served, requiring the attendance before it of the election officers of such precinct or precincts, and upon the appearance before it of the election officers or three-fourths of them from any such precinct or precincts, may examine such election officers under oath concerning the manner in which the votes were counted in such precinct at such election, and the result of such count, and may require such election officers then and there to correct or complete such returns or the authentication thereof so that they shall truly show the votes that were cast in said precinct at such election for each candidate voted for and for or against each proposition voted upon thereat. Nothing herein shall be construed to authorize the opening of ballots except as provided by law. (Amended June 16, 1913.)

Records of the  
Board must  
show, what

Sec. 1282. The Clerk of the Board must, as soon as the result is declared, enter on the records of such Board a statement of such result, which statement must show:

1. The whole number of votes cast in the county;
2. The names of the persons voted for, and the propositions voted upon;
3. The office to fill which each person was voted for;
4. The number of votes given at each precinct to each of such persons, and for and against each of such propositions;
5. The number of votes given in the county to each of such persons, and for and against each of such propositions voted upon.

6. Provided, however, that when it appears that the total number of votes cast for any person to fill an office to be filled by the votes of a single county, or subdivision thereof, amounts to less than one per cent of the total number of votes cast for such office, then in that event no record shall be kept of the vote cast for any such person, but all of the votes cast for all of such persons for such office shall be totaled, and such total shall be entered in the statement of the number of votes cast for the several candidates for such office, opposite the word "scattering." (Amended May 26, 1915.)

Sec. 1283. The Board must declare elected the person having the highest number of votes given for each office to be filled by the votes of a single county or subdivision thereof.

Board to  
declare result

Sec. 1284. The County Clerk must immediately make out and deliver to each of such persons voted for only in that county (except to those persons elected to the office of Representative in Congress, member of State Board of Equalization, Superior Judge, State Senator or Assemblyman), a certificate of election, signed by him, and duly authenticated. (Amended April 16, 1880; May 26, 1915.)

Certificate  
of election

### State Returns.

Sec. 1288. When there has been a general or special election for officers chosen by the electors of the State at large, or for judicial officers (except Justices of the Peace), or for members of the State Board of Equalization, or for Representatives in Congress, or for Senators and members of the Assembly, each County Clerk so soon as the statement of the vote of his county is made out and entered upon the records of the Board of Supervisors, must make out a certified abstract of so much thereof as relates to the votes given or cast for persons for said office to be filled at such election, together with a statement of the whole number of votes cast in the county as specified in Section 1282. Whenever there is a general or special election held within this State, and any proposed constitutional amendment or proposition to be voted for by the electors of the State at large, each County Clerk, so soon as the statement of the vote is made out and entered upon the record of the Board of Supervisors, must make out a certified abstract of such vote. (Amended March 14, 1901; April 23, 1913; April 28, 1915.)

Returns for  
State officers

Sec. 1289. The Clerk must seal up such abstract, in-dorse it "Election Returns," and without delay transmit it by mail or express to the Secretary of State. (Amended April 7, 1911.)

Transmit to  
Secretary of  
State

Sec. 1290. On the fortieth day after the day of election, or as soon as the returns have been received from all the counties of the State, if received within that time (except in this Code otherwise provided), the Secretary of State must compare and estimate the vote, and make out and file in his office a statement thereof, and transmit a copy of such statement to the Governor, except in the cases of Senators and members of the Assembly, in which cases, within said time, the Secretary of State shall make out and deliver, or transmit by mail, to the persons elected a certificate of election. (Amended March 14, 1901; April 28, 1915.)

Duty of  
Secretary of  
State

## COMMISSIONS TO BE ISSUED.

Governor  
to issue  
commissions

Sec. 1291. Upon receipt of such a copy, the Governor must issue commissions to the persons who from it appear to have received the highest number of votes for offices, except that of Governor or Lieutenant-Governor, to be filled at such election.

Election for  
Governor and  
Lieut.-Governor

Sec. 1292. When an election has been held to fill the office of Governor or Lieutenant-Governor, the Clerk of each county, in addition to the abstract made for transmission to the Secretary of State, must, as soon as the statement of the vote of his county is made out and entered upon the records of the Board of Supervisors, make two certified abstracts of so much thereof as relates to the vote given for such offices.

Abstract

Sec. 1293. The Clerk must seal up such abstract separately, and indorse thereon "Election Returns for Governor and Lieutenant-Governor."

Copy to Speaker  
of Assembly

Sec. 1294. He must at once direct one copy to "The Speaker of the Assembly next to meet," address it to Sacramento, California, care of the Secretary of State, and deposit it, postpaid, in the postoffice. (Amended April 28, 1915.)

Copy to member  
of Legislature

Sec. 1295. The other copy, he must direct and address in the same manner, and at once deliver it to a member-elect of the Legislature, or to a Senator who holds over; and the person to whom it is so delivered must deliver it to the Speaker on or before the second day next after his election.

Canvass of  
returns by  
Legislature

Sec. 1296. The returns of election for Governor and Lieutenant-Governor, must, during the first week of the session, be opened, canvassed, and the result declared by the Speaker of the Assembly in presence of both houses.

Defects to be  
disregarded

Sec. 1297. No declaration of the result, commission, or certificate must be withheld on account of any informality in the return of any election, if it can with reasonable certainty be ascertained from such return what office is intended and who is elected thereto.

## ELECTION FOR ELECTORS OF PRESIDENT AND VICE-PRESIDENT.

Presidential  
Electors, when  
chosen

Sec. 1307. At the general election in each bissextile or leap year, unless by the laws of the United States another time is fixed, and then at such time, there must be chosen by the qualified voters of the State as many Electors of President and Vice-President of the United States as the State is then entitled to.

Sec. 1308. The Clerk of each county, as soon as the statement of the vote of his county at such election is made out and entered on the records of the Board of Supervisors, must make a certified abstract of so much thereof as relates to the vote given for persons for Electors of President and Vice-President of the United States.

Certified  
abstract

Sec. 1309. The Clerk must seal up such abstract, indorse it "Presidential Election Returns," and without delay transmit it to the Secretary of State by mail or express, or in the manner hereinafter prescribed. (Amended April 7, 1911.)

How  
transmitted

Sec. 1310. If the County Clerk of any county has reason to believe that the abstract will not, in the due course of mail, reach the Secretary of State before the time fixed by law for the canvassing the returns of such election, he may, with the approval of the Superior Judge, employ a person to convey and deliver such abstract to the Secretary of State. (In effect April 16, 1880.)

When by  
messenger

Sec. 1311. In the event provided for in the preceding section, the Clerk must make an affidavit, setting forth the reasons for his belief, and the name of the person employed by him, which affidavit, with the approval of the Superior Judge indorsed thereon, must be given to the person appointed, and by him, with the abstract, must be delivered to the Secretary of State. (In effect April 16, 1880.)

Clerk to make  
affidavit

Sec. 1312. The person appointed by the Clerk, after he delivers the abstract and statement, is entitled to receive as compensation mileage at the rate of thirty cents a mile from the county seat to the seat of government. His account therefor, certified by the Secretary of State, must be audited by the Controller and paid out of the General Fund in the State Treasury.

Pay of  
messenger

Sec. 1313. On the last Monday in the month of election, or as soon as the returns have been received from all the counties in the State, if received before that time, the Secretary of State must compare and estimate the votes given for Electors, and certify to the Governor the names of the proper number of persons having the highest number of votes.

Secretary to  
estimate returns

Sec. 1314. The Governor must, upon the receipt of such certificate, transmit to each of such persons a certificate of election and on or before the day of their meeting deliver to the Electors a list of the names of Electors, and must do all other things required of him in the premises by any Act of Congress in force at the time.

Governor to  
issue certificate

Electors, when  
to assemble

Sec. 1315. The Electors chosen must assemble at the seat of government on the second Monday in January next following their election, at two o'clock in the afternoon.

In case of death  
of Elector

Sec. 1316. In case of the death or absence of any Elector chosen, or in case the number of Electors from any cause be deficient the Electors then present must elect, from the citizens of the State, so many persons as will supply such deficiency.

How to vote

Sec. 1317. The Electors, when convened, must vote by ballot for one person for President and one person for Vice-President of the United States, one of whom, at least, is not an inhabitant of this State.

How to ballot

Sec. 1318. They must name in their ballots the persons voted for as President, and in distinct ballots the persons voted for as Vice-President.

Separate lists

Sec. 1319. They must make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes given for each.

How to  
transmit

Sec. 1320. They must certify, seal up and transmit, by mail, such lists to the seat of government of the United States, directed to the President of the Senate.

Pay of  
Electors

Sec. 1321. Presidential Electors shall receive a compensation of ten dollars for their services as such Elector, and mileage at the rate of ten cents per mile for each mile of travel from their domicile to the State Capitol and return. (Amended March 25, 1909.)

Accounts to  
be certified

Sec. 1322. Their accounts therefor, certified by the Secretary of State, must be audited by the Controller, who must draw his warrants for the same on the Treasurer, payable out of the General Fund.

## Election for Members of Congress.

### Senators.

Election of  
Senator

Sec. 1332. Elections for Senators in Congress for full terms must be held at the general election, at which members of the legislature are elected, next preceding the commencement of the term to be filled. (Amended May 27, 1913.)

Vacancy

Sec. 1333. Elections to fill a vacancy in the term of a United States Senator must be held at the general election or any special election held throughout the State next succeeding the occurrence of such vacancy. (Amended May 27, 1913.)

Sec. 1336. On the sixtieth day after the day of election, or as soon as the returns have been received from all of the counties of the State, if received within that time, the Secretary of State must compare and estimate the votes given or cast for such persons for Senator, and certify to the Governor the person having the highest number of votes in the State as duly elected. (App. May 27, 1913.)

Secretary  
estimate returns

Sec. 1337. The Governor must upon the receipt of such certificate transmit to such person a certificate of his election, sealed with the great seal and attested by the Secretary of State. (App. May 27, 1913.)

Issue  
certificate

### REPRESENTATIVES.

Sec. 1343. At the general election to be held in the year eighteen hundred and eighty, and at the general election every two years thereafter, there must be elected, for each Congressional district, one Representative to the Congress of the United States.

Election of  
Congressman

Sec. 1346. On the sixtieth day after the day of election, or as soon as the returns have been received from the counties of the State, comprising any one district, if received within that time, the Secretary of State must compare and estimate the votes given or cast for such Representatives, and certify to the Governor the person having the highest number of votes in each Congressional district as duly elected.

Secretary of  
State to certify  
to Governor

Sec. 1347. The Governor must, upon the receipt of such certificate, transmit to each of such persons a certificate of his election, sealed with the Great Seal and attested by the Secretary of State.

Governor to  
issue certificates

# DIRECT PRIMARY LAW.

An act to provide for and regulate primary elections and providing for the election of party committees, and to repeal the act providing for and regulating primary elections known as the direct primary law and approved June 16, 1913, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act. (Approved April 28, 1915.)

Section 1. This act shall be known, and may be cited, as the "direct primary law."

Sec. 2. The following terms when used in this act shall, unless a different meaning is plainly required by the context, be construed as follows:

1. The term "primary election" shall mean and include any and every primary nominating election held under the provisions of this act as distinguished from a final election.

2. The term "August primary election" shall mean the primary election held in August of each even-numbered year for the purpose of nominating candidates for office to be voted on at the ensuing November election.

3. The term "May Presidential primary election" shall mean the primary election, held in May of each bissextile or leap year, for the purpose of enabling the qualified electors of the several political parties to express their preference for their respective party candidates for President of the United States through the election of delegates to national party conventions.

4. The term "final election" shall mean any election, held for the purpose of electing public officers, other than a primary election, recall election, or special election.

5. The term "November election" shall mean the general election held in November of each even-numbered year.

6. The term "congressional officer" shall mean and include a United States Senator, a Representative in the Congress of the United States, and a congressional party committeeman. The term "congressional office" shall mean and include any office filled by a congressional officer.

7. The term "county" shall include a city and county.



8. The terms "political party" and "party" shall mean an organization of electors qualified as a political party in accordance with the provisions contained in Section 5 of this act.

9. The term "congressional party committeeman" shall mean a member of the congressional party committee of of any party, elected, or otherwise chosen, from each assembly district of the state.

10. The term "City Clerk" shall mean the Clerk or Secretary of the legislative body of any city or municipality.

Sec. 3. In every county and city and county in this State, having a registrar of voters, or registrar of voters and a Board of Election Commissioners, the powers conferred and the duties imposed in this statute upon County Clerks and other officers, in relation to elections, shall be exercised and performed by such registrar of voters, or registrar of voters and Board of Election Commissioners; and all nomination papers, list of candidates, expenses, and oaths of office, required by this statute to be filed with County Clerks, shall be filed with the Registrar of voters.

Sec. 4. If at any time there shall be created and established in this State the office of State Election Commissioner, then, and in that case, all functions required by this act to be performed in the office of the Secretary of State shall be performed in the office of the State Election Commissioner, and all duties required by this act to be performed by the Secretary of State shall be performed by the State Election Commissioner; and the words "State Election Commissioner" shall be understood to be meant wherever in this act the words "Secretary of State" are used.

Sec. 5. A political party shall be recognized as such, and shall be entitled to participate in a primary election, only when, prior to the date of such primary election, it shall have complied with one or both of the following two conditions:

1. If it participated as a political party in the last preceding November election and any candidate nominated by it, and by no other political party, for any office voted on throughout the State polled at least three per cent of the entire vote of the State; or, providing no candidate nominated by it, and by no other political party, was voted on throughout the State at such election, if the total votes polled for all its candidates for Representatives in Congress within the State was equal to at least three per cent of the entire vote of the State.

2. If on or before the fiftieth day prior to any primary election, there shall be filed with the Secretary of State a petition, setting forth the intention of the parties signing the same to form a political party and the name which they intend to adopt for such party, which name shall not be so similar to the name of an existing political party as to mislead voters. Such petition must be signed by registered qualified electors equal in number to at least three per cent of the entire vote of the State polled at the last preceding November election, and the signatures thereto certified by the County Clerk of each county in which such electors are registered, and transmitted to the Secretary of State substantially in the same manner as provided by this act for the signing, certification and transmission of nomination papers for State offices.

Sec. 6. All candidates for elective public offices, nominated under the provisions of this act, shall be nominated as follows:

1. By direct vote at primary elections held in accordance with the provisions of this act; provided, that electors of President and Vice-President of the United States shall be nominated as provided in Subdivision 2 of Section 43 of this act; or,

2. By independent nomination in the manner provided by Section 1188 of the Political Code (as said section was amended at the forty-first session of the Legislature); provided, however, that no nomination shall be made under the provisions of said Section 1188, except in the case of congressional offices, for any office for which a nomination has been made at a primary election; and provided, further, that any person whose nomination paper has been filed and who has had his name printed as candidate for nomination for any congressional office upon the official ballot at a primary election, and who, at such primary election, was not nominated for such office, shall be ineligible for nomination, under the provisions of said Section 1188, for the same office at the ensuing final election. But a failure of any person to secure a nomination for a congressional office by one political party shall not deprive such person of a nomination at such primary by another political party for the same office.

Sec. 7. The provisions of this act shall not apply to the nomination of candidates to be voted upon at a special election to fill vacancies or at a recall election; or to the nomination of candidates for any municipal or county office, where the Charter of such municipality or county provides a system for the nomination of such candidates;

or to the nomination of candidates for office in any political district not formed for municipal purposes and other than a township; or to the nomination of freeholders to be elected for the purpose of framing a Charter; or to the nomination of candidates for office in cities of the sixth class; or to the nomination of school district officers.

Sec. 8. The August primary election shall be held throughout the State at the legally designated polling place in each precinct therein, on the last Tuesday in August of each even-numbered year for the purpose of nominating candidates for office to be voted for at the next ensuing November election, and of electing members of the congressional party committee of each political party participating in such primary election one member of which committee shall be elected at such primary election from each assembly district in the State. At least forty days prior to the time of holding each August primary election, the Secretary of State shall certify to each County Clerk the offices for which candidates are to be nominated at such August primary election and the names of the political parties qualified to participate therein. Within ten days after the receipt of such certificate each County Clerk shall publish so much thereof as may be applicable to the particular county, once a week for two successive weeks in not more than two newspapers of general circulation published and circulated in such county.

Sec. 9. The day of the August primary election and the day of the May Presidential primary election are hereby declared to be holidays within the meaning of Section 10 of the Political Code. Any person entitled to vote at such August primary election or May Presidential primary election shall, on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed, for the period of two consecutive hours, between the time of opening and the time of closing the polls; and such voter shall not, because of so absenting himself, be liable to any penalty, nor shall any deduction be made, on account of such absence, from his usual salary or wages.

Sec. 10. Whenever any public officials are to be elected in any political subdivision of the State at an election other than the November election and such candidates are required to be nominated, or may be nominated, at a primary election held under the provisions of this act, such primary election shall be held throughout such

political subdivision on the Tuesday three weeks next preceding the final election. The City Clerk of such political subdivision shall give notice of such primary election by one publication thereof, in a newspaper of general circulation to be designated by the governing body of such political subdivision for that purpose. Such publication shall be made not more than forty and not less than twenty-five days before such primary election. Such notice shall contain a complete statement of the offices for which candidates are to be nominated, the date of the holding of such primary election, the numbers or names (but not the boundaries) of voting precincts and the location of the polling places.

Sec. 11. The name of a candidate shall not be printed upon an official ballot to be used at any primary election unless at least forty days prior to such election, if the election be the August primary election or the May Presidential primary election, or at least twenty-five days prior to any other primary election held under the provisions of this act, a nomination paper nominating such candidate shall have been prepared, circulated, signed, verified and left with the County Clerk for examination, or for examination and filing, in the manner provided by this act; and unless such candidate shall file, in the same office where his nomination paper is required to be filed, and prior to the expiration of the time within which such nomination paper may be filed, his affidavit stating his name and residence, with the name of the street and number, if any; his election precinct; that he is a qualified elector in the election precinct in which he resides; the office for which he seeks to be nominated; that if nominated at such primary election he will accept such nomination and will not withdraw and that he will qualify as such officer if nominated and elected.

Sec. 12. All signatures to the nomination paper of a candidate must be verified by a verification deputy who shall be a registered qualified elector, appointed in the manner provided by this section. If the candidate is a candidate at a municipal primary election, such verification deputy must reside in the municipality within which such election is to be held and may serve only within such municipality, and a certificate of his appointment must be filed with the City Clerk of such municipality. If the candidate is a candidate at any other primary election such verification deputy may serve anywhere within the county in which he resides, and a certificate of the appointment must be filed with the County Clerk of such county. Verification deputies may be appointed at any

time, and from time to time, but only in the following manner:

1. A candidate may appoint one or more of such verification deputies by filing with the proper officer a certificate of appointment, containing the name and residence of the candidate and the office for which he seeks to be nominated, and the names and residences of such verification deputies, which certificate shall be in substantially the following form:

#### Candidate's Appointment of Verification Deputies.

I, the undersigned, a candidate for nomination for the office of....., which nomination is to be made by direct vote at a primary election to be held on the..... day of....., 19...., do hereby appoint the following registered qualified electors of the (county) of..... as verification deputies to obtain signatures in said (county) to a nomination paper placing me in nomination as a candidate for said office of.....

#### Verification Deputies.

Names.	Residence.
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
etc.	etc.
(Signature) .....	
(Residence) .....	

If the candidate is a candidate for an office to be voted upon in more than one county, he may appoint verification deputies in each county in which he may desire his nomination paper to be circulated.

2. As an alternative to, or in addition to, the candidate's appointment of verification deputies, the following method of appointment may be employed:

Any five registered qualified electors of the county, or of the municipality, if desiring to propose a candidate to be voted upon at a primary election, may jointly propose such candidate and appoint verification deputies by filing with the proper officer a certificate of appointment, verified by each of said electors, containing the name and residence of the candidate, the names and residences of the signers thereof and of the verification deputies, and a statement that the candidate therein named has consented to be thus proposed, which certificate shall be in substantially the following form:

### Electors' Appointment of Verification Deputies.

State of California,  
County of \_\_\_\_\_ ss.

We, the undersigned, do solemnly swear (or affirm) that we are each qualified electors of the (county) of \_\_\_\_\_, State of California, and we do hereby propose \_\_\_\_\_, whose residence is \_\_\_\_\_, (county) of \_\_\_\_\_, as a candidate for nomination for the office of \_\_\_\_\_, to be voted for at the primary election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19...; and we do solemnly swear (or affirm) that said \_\_\_\_\_ has consented to this proposal of his name as candidate for nomination for said office. We hereby appoint the following registered qualified electors as verification deputies to obtain signatures in this (county) to the nomination paper of said \_\_\_\_\_ to said office of \_\_\_\_\_:

#### Verification Deputies.

Names.	Residence.
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
etc.	etc.

(Signed)

Names.	Residence.
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19....

(Seal)

.....  
Notary public (or other official).

If the candidate is a candidate for an office to be voted upon in more than one county, he may, in like manner, be proposed for nomination, and verification deputies may be appointed, by the joint action of five registered qualified electors resident in each county in which such electors may desire to circulate a nomination paper in his behalf.

3. When verification deputies have been appointed by either of the two methods set out in Section 12 of this act, verification deputies shall not be appointed in behalf

of the same candidate for the same office by the other method; provided, however, that in case verification deputies shall have been appointed contrary to this provision the candidate in whose behalf said verification deputies have been appointed shall elect which of the two methods shall be followed and only the signatures secured by the verification deputies by the method so elected by such candidate shall be received and filed as provided in this act; and provided, further, that in the case of a candidate for Congressional office the above provision shall not prevent the appointment of verification deputies to secure signatures to a nomination paper in one party by one method and to secure signatures to a nomination paper in another party by the other method set out in said Section 12 nor affect the validity of such signatures so secured.

4. If the candidate is proposed as a candidate for nomination for a Congressional office or the office of delegate to a national party convention, there shall be inserted in the form prescribed in both Subdivision 1 and Subdivision 2 of this section, immediately above and preceding the heading "Verification Deputies," the following paragraph:

The nomination herein referred to is the nomination as candidate of the.....party.

If the form prescribed by Subdivision 2 of this section be used there shall also be inserted therein immediately following said paragraph the following declaration:

We each do hereby declare it our intention to affiliate with said.....party at said primary election.

If the candidate is proposed as a candidate for Congressional party committeeman or delegate to a national party convention, the words "nomination" and "nomination for" in both Subdivision 1 and Subdivision 2 of this section shall be changed, where necessary, to "election" and "election to."

Except in the case of a Congressional office or the office of delegate to a national party convention, no reference to any political party shall be required or made in any certificate appointing the verification deputies for any candidate, nor, except in the case of a candidate for Congressional office, the office of Presidential Elector, or the office of delegate to a national party convention, shall any candidate for any office be the candidate of any political party; and other than those candidates nominated by political parties as herein excepted, the candidates nominated by electors for all offices shall be non-partisan candidates, and the offices for which they are nominated shall be non-partisan offices.





day of....., 19.... I have not signed the nomination paper of more candidates for such office than are to be elected thereto, and I further declare that I intend to support for such nomination the candidate named herein.

No.	Precinct	Signature	Residence	Date
1.....	.....	.....	.....	.....
2.....	.....	.....	.....	.....
3.....	.....	.....	.....	.....
4.....	.....	.....	.....	.....
5.....	.....	.....	.....	.....
Etc.....	.....	.....	.....	.....

### Verification Deputy's Affidavit.

I, ....., solemnly swear (or affirm) that I have been appointed according to the provisions of the direct primary law, as a verification deputy to secure signatures in (the county of.....) to the nomination paper of ....., as candidate for nomination for the office of.....; that all the signatures on this section of said nomination paper, numbered from 1 to .., inclusive, were made in my presence, and that, to the best of my knowledge and belief, each of said signatures is the genuine signature of the person whose name it purports to be.

(Signed).....

Verification Deputy.

Subscribed and sworn to before me this.....day of....., 19....

.....  
Notary Public (or other official).

(Seal.)

If the candidate is proposed as a candidate for nomination for a Congressional office or for the office of delegate to a national party convention, in each of the three places in the form of the nomination paper where the words "candidate for nomination" occur, there shall be inserted, between the word "for" and the word "nomination," the words "the.....party"; and, in case of such candidate for nomination for a Congressional office, just before the list of signatures insert the words, "I furthermore declare that I intend to affiliate with said.....party at the next ensuing primary election, and that I have not signed the nomination paper of this candidate, or any other candidate for Congressional office, as candidate of any other party at such primary election." If the candidate is proposed as a candidate for Congressional party committeeman or delegate to a national party convention, in each of said three places the words "nomination for" shall be changed to the words "election to"; and the word

"nomination" next preceding the list of signers shall be changed to the word "election."

Sec. 14. Nomination papers of a candidate may be signed only by registered qualified electors entitled to vote for such candidate at the ensuing primary election and no such elector shall sign the papers of more candidates to such office than are to be elected thereto. Any section of a nomination paper signed by electors residing within any incorporated city shall not be signed by electors residing outside of such incorporated city. Any section of a nominating paper signed by electors residing outside of an incorporated city shall not be signed by electors residing within an incorporated city.

Sec. 15. Signatures to the nomination paper of a candidate to be voted upon for any office at the May Presidential primary election or the August primary election, may be obtained at any time not more than seventy days or less than forty days next preceding such primary election. Signatures to the nomination paper of a candidate to be voted upon for any office at any other primary election held under the provisions of this act, may be obtained at any time not more than forty days or less than twenty-five days next preceding such primary election.

The verification of signatures to nomination papers shall not be made by the candidate, or by any County Clerk, or Registrar of Voters, or by any of the deputies in the office of such County Clerk or Registrar of Voters, nor shall any such nomination papers be signed within one hundred feet of any place where registration of electors is being conducted.

A nomination paper verified as provided by this section shall be prima facie evidence that each signature thereto appended is genuine and that the person signing the same is a registered qualified elector, unless such signature is marked "not sufficient," as provided for in Section 17 of this act.

If the candidate is proposed as a candidate for a Congressional office, or the office of delegate to a national party convention, each section of his nomination paper shall contain the name of the political party whose nomination is sought; but in no other instance shall a nomination paper contain the name of, or reference to, any political party. A candidate for nomination for a Congressional office (except the office of Congressional party committeeman) may be proposed as the candidate of more than one political party, and shall be entitled to have his name printed upon the official primary ballot as the candidate of each political party in which he is proposed as a candidate in the manner provided by this act,

but no person shall be entitled to become a candidate for more than one office at the same election, except for a short, or unexpired, term and a full term for the same office.

Sec. 16. The required number of signatures upon a nomination paper shall be as follows:

1. If the candidate is proposed as the candidate of a political party for a Congressional office, or the office of delegate to a national party convention, the nomination paper of such candidate must be signed by not less than one-half of one per cent nor more than two per cent of the vote polled for such party's candidate for United States Senator, at the last preceding November election at which a United States Senator was elected, in the State or in that political subdivision for which the candidate is proposed for nomination. Such party's candidate for United States Senator may have been the candidate, either of the party alone, or of the party in conjunction with one or more other parties. But if such political party did not have any candidate for United States Senator at such last preceding November election at which a United States Senator was elected, the nomination paper must be signed by not less than one-half of one per cent nor more than two per cent of the total vote polled for all the candidates for United States Senator, at such last preceding November election in the State or political subdivision for which the candidate is proposed for nomination.

2. If the candidate is proposed as a candidate for nomination for any office except a Congressional office, or the office of delegate to a national party convention, he shall not be proposed as the candidate of any political party, and the nomination paper of such candidate must be signed by not less than one-half of one per cent nor more than two per cent of the vote polled by the candidate who was elected Governor, at the last preceding election at which a Governor was elected, in the State or political subdivision for which the candidate is proposed for nomination.

Sec. 17. Each section of the nomination paper of any candidate, after being verified, shall be returned by the verification deputy, if he was appointed by such candidate, to the candidate, or to some one designated by him; or, if he was not appointed by such candidate, to one of the five electors by whom he was appointed. The sections of said nomination paper shall thereupon be fastened or bound together by cities or towns or outside territory in the county not included in any city or town, substantially in the manner required for the binding of affidavits

of registration by the provisions of Section 1113 of the Political Code.

The nomination papers of candidates to be voted for in more than one county or throughout the entire State, properly assembled, may be consolidated and fastened or bound together by counties; but in no case shall nomination papers signed by electors of different counties be fastened or bound together. All nomination papers which by the provisions of this act are required to be filed in the office of the Secretary of State shall be delivered for examination to the County Clerk of the county in which the signatures to such nomination papers were obtained, at least forty days prior to the August primary election or the May Presidential primary election. The County Clerk shall thereupon examine the signatures upon such nomination papers and shall disregard and mark "not sufficient" any signature appearing on such nomination paper of a person who is not registered or whose signature upon the nomination paper is not in the same handwriting as the signature upon the affidavit of registration of such person on file in the office of the County Clerk. Thereupon the County Clerk shall attach to such nomination paper a certificate reciting that he has examined said nomination paper and stating as "sufficient" the number of names signed thereto which have not been marked "not sufficient" as hereinabove provided, and shall, within five days after the receipt by him of such nomination paper, forward it with such certificate attached, to the Secretary of State, who shall receive and file the same. The delivery of a nomination paper to a County Clerk shall entitle the candidate to have all signatures thereon found to be "sufficient" counted in determining the total number of signatures to be credited to such candidate as entitling him to a place on the primary ballot; and no default on the part of the County Clerk, Secretary of State, or other officer shall affect the right of any candidate to have all "sufficient" signatures considered in determining his right to have his name go upon the primary ballot. The County Clerk shall in substantially the manner above provided examine the signatures to all other nomination papers which shall be delivered to him for examination under the provisions of this act and certify to the signatures thereto and to the result of such examination and shall within ten days after the receipt by him of any such nomination papers required by this act to be filed in his office so file the same with such certificate attached and within five days after the receipt by him of any nomination paper required by this act to be filed in the office of the City Clerk of any municipality forward it with such certificate attached to the City Clerk of such

city. All nomination papers required to be filed either in the office of the Secretary of State or in the office of the County Clerk or City Clerk shall be filed within ten days of the day on which they were left for examination, as provided in Section 11 of this act.

Sec. 18. Whenever the boundaries of any political subdivision of the State are legally changed, the vote polled by each party in each of the new political subdivisions for United States Senator, and the vote polled in each of the new political subdivisions by the candidate who was elected Governor, as provided in Section 16, shall be determined as follows:

1. If the change occurs wholly within any county, the County Clerk of such county shall determine as nearly as possible the total of such vote for Governor, and the total of each of such party votes for United States Senator, in the new political subdivision, by totaling the vote polled for each of such officers in the precincts combined to form such new political subdivision.

2. If the change does not occur wholly within the limits of any county, the Secretary of State shall determine the total of such vote for Governor, and the total of each of such party votes for United States Senator, in the new political subdivision, by totaling the vote polled for each of such officers in that portion of the original county or counties comprising such new political subdivision.

Sec. 19. All nomination papers required to be filed by this act shall be filed as follows:

1. For State officers (including members of the State Board of Equalization), Congressional officers (including Congressional party committeemen), delegates to a national party convention, members of the State Senate and Assembly, and all other officers voted for in districts comprising more than one county, in the office of the Secretary of State.

2. For officers to be voted for wholly within one county, except as otherwise provided, in the office of the County Clerk of such county.

3. For municipal officers, in the office of the City Clerk or secretary of the legislative body of such city or municipality.

4. When a nomination paper or sections thereof shall have been received which contain a number of signatures equal to the maximum number permitted by this act, the officer with whom such papers are required to be filed shall not file further sections.

Sec. 20. The officer with whom nomination papers are filed shall keep a record in which he shall enter the names of all candidates for whom the same are filed, the name

of the office, the party, if any, and the date of filing. No more signatures shall be secured to any nomination paper in excess of one per cent beyond the maximum per cent permitted by this act.

Sec. 21. The following filing fees shall be paid by the candidate, except as provided in Subdivision 6 of this section.

1. A filing fee of fifty dollars shall be paid to the Secretary of State by each candidate for State office or for the United States Senate, except as otherwise provided by this section.

2. A filing fee of twenty-five dollars shall be paid to the Secretary of State by each candidate for Representative in Congress or for any office, except member of State Senate and Assembly, to be voted for in any district comprising more than one county.

3. A filing fee of ten dollars shall be paid to the Secretary of State by each candidate for the State Senate or Assembly.

4. A filing fee of ten dollars shall be paid to the County Clerk when the nomination paper and affidavit of any candidate to be voted for wholly within one county or city and county are filed with such County Clerk.

5. A filing fee of ten dollars shall be paid to the City Clerk when the nomination paper and affidavit of any candidate for a city office are filed with such Clerk.

6. No filing fee shall be required from any person to be voted for at the May Presidential primary election, or from any candidate for an office (including the office of Congressional party committeeman), to the holder of which no fixed compensation is paid, or for any office, except that of State Senator or Assemblyman, the fixed compensation to the incumbent of which does not exceed the sum of nine hundred dollars per annum.

7. In no case shall the Secretary of State, County Clerk, or City Clerk, place the name of any candidate on the ballot or certify any such name to be placed thereon until the requisite filing fee has first been paid, but the County Clerk shall, notwithstanding the provisions of this subdivision, examine the signatures to all nomination papers presented to him under the provisions of this act and certify the result of such examination as required by the provisions of Section 17 of this act.

8. When a person who has not filed a nomination paper is nominated for an office by having his name written on a primary election ballot, he must pay the same filing fee that would have been required if his nomination paper had been filed; otherwise his name must not be printed on the ballot at the ensuing final election.

9. When a candidate for nomination to a Congressional office is proposed for nomination by more than one political party, he must pay a separate filing fee for each party in which he is proposed for nomination; or if, having filed a nomination paper for one party, he is nominated by another party by having his name written on a primary election ballot, he must pay the same filing fee for such other party nomination that would have been required if his nomination paper for such other party had been filed; otherwise he shall not be credited with the nomination of such other party on the ballot at the ensuing final election.

10. The Secretary of State, County Clerk or City Clerk with whom the nomination papers of any candidate are filed pursuant to the provisions of this act shall, if the same be found sufficient, unless the filing fee therefor has been paid, forthwith notify such candidate in writing of the filing of such nomination papers and demand payment of the required filing fee.

Sec. 22. The County Clerk shall immediately pay to the County Treasurer all fees received from candidates. The City Clerk shall immediately pay to the City Treasurer all fees received from candidates. Within ten days after the primary election the Secretary of State shall pay to the State Treasurer all fees received from candidates and shall apportion the fees paid to him by each candidate equally among the counties within which such candidate is to be voted for, and certify such apportionment to the State Controller, who shall issue warrants on the State Treasurer for the amount due each county and the State Treasurer shall pay the same.

Sec. 23. The expense of providing all ballots, blanks, rubber stamps and other supplies necessary to be used at any primary election according to the provisions of this act and all expenses necessarily incurred in the preparation for or the conduct of such primary election shall be paid out of the treasury of the city, city and county, county or State, as the case may be, in the same manner, with like effect and by the same officers as in the case of general elections.

Sec. 24. At least thirty days before any August primary election preceding a November election or before any May presidential primary election the Secretary of State shall transmit to each County Clerk a certified list containing the name and postoffice address of each person for whom nomination papers have been filed in the office of such Secretary of State, who is entitled to be voted for in such county at such primary election, together with a designation of the office for which such

person is a candidate and, if a candidate for congressional office, or the office of delegate to a national party convention, the name of the party in which he is proposed as candidate. Such County Clerk shall forthwith, upon receipt thereof, publish a notice setting forth, under the proper party designation, the title of each congressional office and of the office of delegate to a national party convention which appears upon the certified list transmitted by the Secretary of State as hereinbefore provided, together with the names and addresses of all persons for whom nomination papers have been filed for each of said offices in the office of the Secretary of State, and also the titles of all other offices together with the names and addresses of all persons for whom nomination papers have been filed for each of said offices, either in the office of the Secretary of State or in the office of the County Clerk, which notice shall state that candidates for offices may be voted for at the primary election by any registered, qualified elector of the county. Such notice shall also set forth the date of the primary election, the hours during which the polls will be open, and that the primary election will be held at the legally designated polling place in each precinct, which shall be particularly designated. It shall be the duty of the County Clerk to cause such publication to be made once each week for two successive weeks prior to said primary election. Every publication required by this act shall be made in not more than two newspapers of general circulation published in such county.

Sec. 25. All voting at primary elections shall be by ballot. On all ballots to be voted at an August primary election, the first column (or the first two columns when the first column alone is insufficient) shall be reserved for congressional offices, the names of candidates for each of such offices being printed under the proper party designation of the party in which such candidates are proposed for nomination. Every political party entitled to participate in the August primary election shall appear in this first column (or these first two columns) provided such party has any candidate for any congressional office whose nomination paper has been filed according to the provisions of this act. The order of the congressional offices under each party designation shall be as follows: first, United States Senator (if any); next, representative in Congress; and last, congressional party committeeman. The party which shall appear at the head of this first column shall be the party whose candidate for United States Senator received the largest vote at the last preceding November election at which a United States Senator was elected. The party which shall appear next



shall be the party whose candidate for United States Senator received the second largest vote at such November election, and so on for all the parties qualified to participate in such primary election. Each elector shall be entitled to vote for the candidates for congressional offices who are proposed for nomination in that party with which he shall declare his affiliation at the time he receives his ballot, and for no other candidates for such offices except as he may write in the names of such other candidates in the blanks provided for that purpose. If he does not express a desire to affiliate with any party he shall not be entitled to vote at such primary election for the nomination of any candidates for congressional offices. For all candidates to be voted for at such primary election, except candidates for congressional offices, the elector shall vote without regard to party.

Sec. 26. It shall be the duty of the County Clerk of each county to provide printed official ballots to be used at any August primary election or May presidential primary election. It shall be the duty of the City Clerk to provide printed official ballots for any primary election held within the municipality of which he is an officer for the purpose of nominating candidates to be voted on therein at a municipal election. Such official ballots shall be printed upon official paper furnished in the manner provided by Section 1196 of the Political Code, and such ballots to be used at any August primary election, shall be in the form hereinafter provided. The names of all candidates for the respective offices for whom nomination papers have been duly filed shall be printed thereon.

Sec. 27. 1. Across the top of the primary election ballot shall be printed in heavy faced gothic capital type, not smaller than forty-eight point, the words: "Official primary election ballot," providing that on any primary ballot less than four columns in width said words may be printed in heavy faced gothic capital type not smaller than twenty-four point.

2. Beneath the heading "Official primary election ballot," shall appear in heavy faced gothic capital type, the name of the county in which the ballot is being used; and at least three-eighths of an inch below the name of the county shall appear the supervisorial district, providing there are no more than five assembly districts in the county, or the assembly district, providing there are more than five assembly districts in the county; the word "district" to be followed in either case by a semicolon and the date of the primary election. At least three-eighths of an inch below the district designation and the date of the primary election shall be printed in ten-point black gothic type, double leaded, the following instruc-

tions to voters: "To vote for a person whose name appears on the ballot, stamp a cross (X) in the square at the right of the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose; and it is optional, but not necessary, to stamp a cross after such name. Vote for congressional candidates of that party only which is not marked 'cancelled' by the election officer."

3. The instructions to voters shall be separated from the lists of candidates by one heavy and one light line or rule. The names of the candidates and the respective offices shall, except as may be hereinafter otherwise provided, be printed on the ballot in parallel columns, each two and one-half inches wide. The first column of the ballot (or the first two columns, as the case may be), shall contain the groups of names of candidates for congressional offices, arranged under their various party designations as provided in Section 25 of this act, and the first column shall be headed by the word "**Congressional.**" The party tickets of the several political parties shall be separated from one another by a blank space of not less than one inch. The names of the political parties shall be printed in ten-point black gothic capital type. To the right of this first column (or these first two columns, as the case may be) shall be a solid black line, extending down from the printed lines separating the instructions to voters from the lists of names of candidates to the bottom margin of the ballot. In the case of a primary election for the nomination of candidates to be voted for at a presidential or general state election, the order of precedence for the columns to the right of this solid black line shall be as follows, that is to say: in the first column to the right of the solid black line, under the heading **State** shall be printed the groups of names of candidates for State offices, (except judicial and school offices), including members of the State Board of Equalization. Next, under the heading **Legislative** shall be printed the groups of names for State Senator, if any, and for Member of the Assembly. Under the heading **Judicial** shall be printed all the names of candidates for judicial offices, in the order of Chief Justice Supreme Court, Associate Justices Supreme Court, Judge of District Court of Appeals, Judge of Superior Court, Justice of the Peace and other judicial officers, if any. Next, under the heading **School** shall be printed all the names of candidates for school offices in the order of State Superintendent of Instruction and Superintendent of Schools. Next, under the heading **County** shall be printed the groups of candidates for all county and township offices except judicial or school

offices. In the case of primary elections where nominations are to be made for only a portion of these offices, at the right of the solid black dividing line there may be only one column. The tally sheets furnished to election officers shall have the names of offices and candidates arranged in the order in which said names of offices and candidates are printed on the ballots according to the provisions of this section and subdivision. In the case of primary elections for the nomination of candidates for city, city and county or municipal offices only, the order of precedence shall be determined by the legislative body of such city or municipality or by the Board of Election Commissioners of any such city and county.

4. The group of names of candidates for nomination for any office except a Congressional office shall include all the names receiving the requisite number of signatures on nomination papers for such office; but the groups of names of candidates for Congressional offices appearing on the ballots under the head of each political party shall comprise only the names of candidates for nomination by such party. If any candidate is nominated to fill out a short term office as distinguished from another candidate on the same ballot nominated for a full term of the same office, the words "short term" or "full term," as the case may be, shall be printed below the title of such offices on the ballot, preceding the respective groups of names of candidates.

Sec. 28. The order in which the names of candidates for any office shall appear upon the primary election ballot to be used at any election held under the provisions of this act other than the May Presidential primary election shall be determined as follows:

1. If the office is an office the candidates for which are to be voted on throughout the entire State, including United States Senator in Congress, the Secretary of State shall arrange the names of all candidates for such office in alphabetical order for the first assembly district; and thereafter for each succeeding assembly district, the name appearing first for each office in the last preceding district shall be placed last, the order of the other names remaining unchanged. If the office is that of Representative in Congress, or is an office the candidates for nomination to which are to be voted on in more than one county or city and county, but not throughout the entire State, except the office of State Senator or Assemblyman or Congressional party committeeman, the Secretary of State shall arrange the names of all candidates for such office in alphabetical order for that assembly district which is lowest in numerical order of any assembly district in which such candidates are to be voted on; and

thereafter for such succeeding assembly district in which such candidates are to be voted on, the name appearing first for such office in the last preceding district shall be placed last, the order of the other names remaining unchanged. In transmitting to each County Clerk or Registrar of Voters the certified list of names of candidates as required by this act, the Secretary of State shall certify and transmit the list of candidates for nomination to each office according to assembly districts, in the order of arrangement as determined by the above provisions; and in the case of each county or city and county containing more than one assembly district, he shall transmit separate lists for each assembly district. Except for the office of State Senator or Assemblyman, or Congressional party committeeman, the order in which the names filed with the Secretary of State shall appear upon the ballot, shall be for each assembly district the order as determined by the Secretary of State in accordance with the above provisions, and as certified and transmitted by him to each County Clerk or Registrar of Voters.

2. If the office is an office to be voted on throughout but wholly within one county or city and county, except the office of Representative in Congress or State Senator or Assemblyman, or Congressional party committeeman, the County Clerk shall arrange the names of all candidates for such office in alphabetical order for the first Supervisorial district; and thereafter for each Supervisorial district, the name appearing first for each such office in the last preceding Supervisorial district shall be placed last, the order of the other names remaining unchanged; provided, that there are no more than five Assembly districts in such county, or city and county. If there are more than five Assembly districts in such county or city and county, the County Clerk shall so arrange on the ballot the order of names of all candidates for such office that they shall appear in alphabetical order for that Assembly district in such county, or city and county, which is lowest in numerical order, and thereafter for each succeeding Assembly district in such county, or city and county, the name appearing first for each office in the last preceding Assembly district shall be placed last, the order of the other names remaining unchanged.

3. If the office is that of State Senator or Assemblyman or Congressional party committeeman, or any office except the office of Representative in Congress to be voted on wholly within any county or city and county, but not throughout such county or city or county, the names of all candidates for such office shall be placed upon the ballot in alphabetical order.

4. If the office is a municipal office in any city or town whose Charter does not provide for the order in which names shall appear on the ballot, the names of candidates for such office shall be placed upon the ballot in alphabetical order.

Sec. 29. In publishing the names and addresses of all candidates for whom nomination papers have been filed, as required in this act, the County Clerk shall publish the names in the order in which they will appear upon the ballot; provided, that in counties or cities and counties containing more than five Assembly districts the order of names of candidates shall be that of the Assembly district in such county or city and county which is lowest in numerical order, and that, in all other counties, the order shall be that of the first Supervisorial district.

Sec. 30. Each group of candidates to be voted on shall be preceded by the designation of the office for which the candidates seek nomination, and the words "Vote for one" or "Vote for two" or more according to the number to be elected to such office at the ensuing election. Such designation of the office to be nominated for and of the number of candidates to be nominated shall be printed in heavy faced gothic type, not smaller than ten-point. The word or words designating the office shall be printed flush with the left-hand margin and the words "Vote for one" or "Vote for two" or more, as the case may be, shall extend to the extreme right of the column and over the voting square. The designation of the office and the direction for voting shall be separated from the names of the candidates by a light line.

Sec. 31. The names of the candidates shall be printed on the ballot without indentation, in roman capital type not smaller than eight-point, between light lines or rules three-eighths of an inch apart. Under each group of names of candidates shall be printed as many blank spaces, defined by light lines or rules, three-eighths of an inch apart, as there are to be candidates nominated for such office. To the right of the names of the candidates shall be printed a light line or rule so as to form a voting square three-eighths of an inch square. Each group of names of candidates shall be separated from the succeeding group by one light and one heavy line or rule. Each series of groups shall be headed by the word "Congressional," "State," "Legislative," "Judicial," "School," "County" or "Municipal" or other proper general classification, as the case may be, printed in heavy faced gothic capital type, not smaller than twelve-point. All official primary election ballots to be used at any August primary election shall have printed on the back and immediately

below the center thereof, in eighteen-point gothic capital type, the words "Official Primary Election Ballot," and underneath these words the respective numbers of the Congressional, Senatorial and Assembly districts in which each ballot is to be voted. If there are no more than five Assembly districts in the county, there shall also be added the name of the Supervisorial district and of the county, as follows: ".....Supervisorial district of.....county." The ballot shall be printed on a single leaf with a stub and separated therefrom by a perforated line across the top of the ballot. On each ballot a perforated line shall extend from top to bottom one-half inch from the right-hand side of such ballot, and upon the half-inch strip thus formed there shall be no printing except the number of the ballot which shall be on the back of each strip, in such position that it shall appear on the outside when the ballot is folded. The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county; provided, that the sequence of numbers on such official ballots and stubs shall begin with the number one. The official ballots shall be made up in stub books, each book to contain ten, or some multiple of ten ballots, in the manner provided by law for official election ballots, and except as to the order of the names of candidates shall be printed in substantially the following form:

Third Supervisorial District; August 29, 1966

[illegible]

Sec. 32. At least twenty days before the August primary election or before the May Presidential primary election each County Clerk or Registrar of Voters in every county or city and county shall prepare sample ballots, placing thereon in the order provided by law, and under the appropriate title of each office, the names of all candidates for whom nomination papers with the requisite number of "sufficient" signatures have been duly filed with him, or have been certified to him by the Secretary of State, to be voted for at the primary election in his county or city and county. Such sample ballots shall be printed on paper of a different color and texture from the paper to be used on the official ballot, and shall be mailed to each voter entitled to vote at such August primary election or May Presidential primary election, as the case may be, not more than twenty nor less than seven days before the election. The County Clerk, on or before the first day on which sample ballots are mailed to the voters, shall mail a copy to each candidate for whom the nomination papers have been filed with him or whose name has been certified to him by the Secretary of State, to the post office address as given in such nomination paper or certification, and he shall post a copy of each sample ballot in a conspicuous place in his office. Before such primary election the County Clerk shall cause the official ballot to be printed as provided in Section 26 of this act, and distributed in the same manner and in the same quantities as provided in Sections 1198, 1199 and 1201 of the Political Code for the distribution of ballots for elections. In the case of primary elections for the nomination of candidates for city offices it shall be the duty of the City Clerk, or such other officer charged by law with the duty of preparing and distributing the official ballots used at elections in such city or municipality, to prepare and mail the sample ballot and to prepare and distribute the official primary election ballots, and so far as applicable the provisions of this act shall apply to the nomination of all candidates for city offices.

Sec. 33. The polls must be opened at six o'clock of the morning of the day of primary election and must be kept open until seven o'clock in the afternoon of the same day, when the polls shall be closed; provided, however, that if at the hour of closing there are any voters in the polling place, or in line at the door, who are qualified to vote and have not been able to do so since appearing, the polls shall be kept open a sufficient time to enable them to vote. But no one who shall arrive at the polling place after seven o'clock in the afternoon shall be entitled to vote, although the polls may be open when he arrives.



No adjournment or intermission shall be taken except as provided in the case of general elections.

Sec. 34. The officers for primary elections shall be the same in number, and shall be appointed in the same manner, as provided by law for general elections, and such officers shall receive the same compensation for their services at primary elections as provided by law for general elections.

It shall be the duty of the proper officers to furnish the original affidavits of registration and indexes for use at primary elections, which shall show the names of all voters entitled to vote at such primary elections, and shall be numbered, for purposes of the primary election, in like manner as provided in Section 1113 of the Political Code. And all the provisions of Section 1096 of the Political Code, so far as they are consistent with the provisions of this act, are hereby made applicable to primary elections within the meaning of this act.

Sec. 35. Any elector offering to vote at a primary election may be challenged by any elector of the city, city and county or county, upon either or all of the grounds specified in Section 1230 of the Political Code, but his right to vote the Congressional primary election ticket of the political party with which, on receiving his ballot, he declares his intention to affiliate, shall not be challenged on any ground or subjected to any tests other than those provided by the Constitution and Section 1230 of the Political Code of this State, except on the ground of his having previously declared his intention to affiliate with another political party at such primary election, such declaration having been expressed at the time of his signing the nomination paper of a candidate of such other party.

Sec. 36. Any elector qualified to take part in any primary election, who has, at least thirty days before the day of such primary election, qualified by registration, as provided by Section 1096 of the Political Code, shall be entitled to vote at such primary election, such right to vote being subject to challenge only as hereinabove provided; and on writing his name or having it written for him on the roster, as provided by law for general elections in this State, he shall likewise write or have written upon the roster the name of the political party with which he intends to affiliate in voting for candidates for Congressional offices at the next ensuing November election. He shall then, in an audible tone of voice, declare to the election officer from whom he receives his ballot the name of such political party with which he intends to affiliate, and the Clerk whose duty it is, accord-

ing to law, to write opposite the name of the elector the number of the ticket given him, shall also write opposite his name the name of said political party with which the elector declares it his intention to affiliate. At the August primary election, the election officer having charge of the ballots, before giving him his ballot shall write with ink, or, with a stamp provided for the purpose, stamp the word "**Cancelled**" across the names of candidates for Congressional offices printed under the name of all the political parties except that with which the elector thus declares his intention to affiliate, and the elector shall be entitled to vote only for candidates for nomination to Congressional offices printed or written in under the name of such party as is not thus marked "**Cancelled**." If the voter does not express a desire to affiliate with any party, he need not write, or declare, or have written the name of any political party, and in such case the election officer shall write or stamp the word "**Cancelled**" across the names of all candidates for nomination to Congressional offices, and the elector shall not be entitled to vote for any such candidates. No one shall be entitled to vote at any primary election who has not been a resident of the State one year, of the county ninety days, and of the precinct thirty days, next preceding the day upon which such primary election is held. The voter shall be instructed by a member of the Board as to the proper method of marking and folding his ballot, and he shall then retire to an unoccupied booth and without undue delay stamp the same with the rubber stamp there found. If he shall spoil or deface the ballot he shall at once return the same to the ballot clerk and receive another.

Sec. 37. The voter shall designate his choice on the ballot by stamping a cross (X) in the small square opposite the name of each candidate or group of candidates for whom he wishes to vote; or he may vote for a person whose name is not printed on the ballot by writing the name of such person in a blank space provided therefor, which name so written may or may not be followed by a cross stamped or otherwise made. If he shall stamp more names than there are candidates to be nominated for any office, or if for any reason it be impossible to determine his choice for any office, his ballot shall not be counted for such office, but the rest of his ballot, if properly stamped, shall be counted. No ballot shall be rejected for any technical error which does not render it impossible to determine the voter's choice, even though such ballot be somewhat soiled or defaced.

Sec. 38. When a voter has stamped his ballot he shall fold it so that its face shall be concealed and only such printed designation as the law may require to appear on

the back thereof shall be visible, and hand the same to the member of the Board in charge of the ballot box. Such folded ballot shall be voted as ballots are voted at general elections and the name of the voter checked upon the affidavit of registration as having voted.

Sec. 39. No adjournment or intermission whatever shall take place until the polls shall be closed and until all the votes cast at such polls shall be counted and the result publicly announced, but this shall not be deemed to prevent any temporary recess while taking meals or for the purpose of other necessary delay; provided, that no more than two members of the Board shall at any time be absent from the polling place.

Sec. 40. As soon as the polls are finally closed the judges must immediately proceed to canvass the votes cast at such primary election. The canvass must be public, in the presence of bystanders, and must be continued without adjournment until completed and the result thereof declared. Except as hereinafter provided, the canvass shall be conducted, completed and returned as provided by Sections 1211, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1264a, 1265, 1266, 1267, and 1268 of the Political Code of this State. The number of ballots agreeing or being made to agree with the number of names on the lists, as provided by Section 1255 of the Political Code, the Board must take the ballots from the box, count all the votes on all the ballots, and record the same on the tally lists provided for that purpose.

Sec. 41. The Board of Supervisors of each county, the Board of Election Commissioners in any city and county, or, in the case of a city or municipal primary election, the officers charged by law with the duty of canvassing the vote at any city or municipal election in such political subdivision, shall meet at the usual place of such meeting, or at any other place permitted by law, at one o'clock in the afternoon of the first Thursday after each primary election to canvass the returns, or as soon thereafter as all the returns are in. When begun the canvass shall be continued until completed, which shall not be later than six o'clock in the afternoon of the sixteenth day following such primary election. The Clerk of the Board must, as soon as the result is declared, enter upon the records of such Board a statement of such result, which statement shall contain the whole number of votes cast for each candidate of each political party for nomination for a Congressional office, or for the office of delegate to a national party convention and also for each candidate for nomination for any other office. The Clerk shall also make a duplicate statement in the same form, showing

the votes cast for each candidate not voted for wholly within the limits of such county or city and county. The County Clerk shall forthwith send to the Secretary of State by registered mail or by express one complete copy of all returns as to such candidates, and as to all candidates for the State Assembly, State Senate, Congressional party committee, Representatives in Congress, members of the State Board of Equalization, judicial officers (except Justices of the Peace), and as to all persons voted for at the May Presidential primary election. The Secretary of State shall, not later than the twenty-first day after any primary election, compile the returns for all candidates voted for in more than one county, and for all candidates for the Assembly, State Senate, Congressional party committee, Representatives in Congress, State Board of Equalization, and judicial offices (except Justices of the Peace), and for all persons voted for at the May Presidential primary election, and shall make out and file in his office a statement thereof. He shall compile the returns for the May Presidential primary election not later than the twenty-first day after such election, and shall compile said returns in such a manner as to show, for each candidate, both the total of the votes received and the votes received in each Congressional district of the State.

Sec. 42. The name of the person in each political party who receives at a primary election the highest number of votes for a Congressional office shall be placed on the official ballot as the candidate of such political party for such office, except in the case of a candidate for Congressional party committeeman, in which case such person shall be elected to the office. In the case of all other offices, except the office of delegate to a national party convention, the candidates equal in number to twice the number to be elected to such office (or less, if the total number of candidates is less than twice the number of offices to be filled) who receive the highest number of the votes cast on all the ballots of all the voters participating in the primary election for nomination to such office, shall be the candidates for such office at the ensuing election, and their names as such candidates shall be placed on the official ballot voted at the ensuing election; provided, however, that in case there is but one person to be elected at the November election to any office not a Congressional office, any candidate who receives at the August primary election a majority of the total number of votes cast for all the candidates for such office shall be the only candidate for such office whose name shall be printed on the ballot at the ensuing election; and provided further, that in case there are two or

more persons to be elected at the November election to any office not a Congressional office, and in case any candidates for such office receive at the August primary election the votes of a majority of all the voters participating in the primary election in the State or political subdivision in which said office is voted upon (such candidates being herein designated as "majority candidates"), said "majority candidates" shall, if their number is not less than the number of persons to be elected to such office, be the only candidates for such office whose names shall be printed on the ballot at the ensuing November election; and if the number of such "majority candidates" falls short of the number of persons to be elected to such office, the names of said "majority candidates" shall be printed on the ballot at the ensuing November election, together with such number of additional names only of such other candidates receiving the next highest number of votes for nomination to such office as may equal twice the number to be elected to such office less twice the number of "majority candidates" (or a smaller number, if the list of said other candidates is exhausted); and provided also, that no person whose name has been written in upon any ballot or ballots for any office at any primary election, shall have his name placed upon the ballot as a candidate for such office at the ensuing general election, unless at such primary election he shall have received for such office written-in votes equal in number to the minimum number of signatures which would have been required to be filed to have placed his name on the primary ballot as a candidate for nomination to such office, and unless he has paid the filing fee as required in Subdivision 8 of Section 21 of this act. But this provision shall not prevent a candidate not otherwise disqualified from becoming a candidate, under the provisions of Section 1188 of the Political Code, for an office for which nominations may be made under said Section 1188 as provided in Subdivision 2 of Section 6 of this act. It shall be the duty of the officers charged with the canvass of the returns of any primary election held under the provisions of this act in any county or municipality to cause to be issued official certificates of nomination to such candidates as have their nomination papers filed in accordance with the provisions of this act, and who shall be entitled to such certificates of nomination according to the provisions of this section. It shall be the duty of the Secretary of State to issue official certificates of nomination to candidates nominated under the provisions of this act for Representatives in Congress, members of the State Senate and Assembly, members of the State Board of Equalization and officers voted for in more than one county; and to issue certificates of election

to Congressional party committeemen and to all persons elected at the May Presidential primary election as delegates to their respective national party conventions. Not less than thirty days before the November election the Secretary of State shall certify to the County Clerks of each county within the State the name of every person entitled to receive votes within such county or city and county at said November election who has received the nomination as a candidate for public office, under and pursuant to the provisions of this act, and whose nomination is evidenced by the compilation and statement required to be made by said Secretary of State and filed in his office, as provided in Section 41 of this act. Such certificates shall in addition to the names of such nominees respectively, also show separately and respectively for each nominee for a Congressional office or for the office of Elector of President and Vice-President of the United States the name of the political party which has nominated such person, and the designation of the office for which he is so nominated.

Sec. 43. A Congressional party committee may be organized by each political party, for the purpose of promulgating party platforms as to national issues, and of transacting such other business of the party as is not inconsistent with the provisions of this act, as follows:

1. The candidates of each political party who have received their party nomination for Representatives in Congress from the several Congressional districts, and for United States Senator, if any, shall meet in separate party conferences at the State Capitol on the second Saturday in September after the date on which any August primary election is held preliminary to the general November election. The members of each of these conferences shall proceed to name a Congressional party committeeman for their party for each Assembly district of the State which did not elect such Congressional party committeeman at the primary election. Said members of each of these conferences shall also appoint a date, which shall be no more than fifteen days thereafter, and a meeting place, on which date and at which meeting place members of the new Congressional party committee of their party shall meet in convention. Said members of each of these conferences shall be ex-officio members of the Congressional party committee of their party, and as such may participate with said committee in said convention. Said Congressional party committee shall continue to act for their party until a new Congressional party committee shall have been chosen; and, until the primary election to be held in August, 1916, each party shall be represented by its State Central Committee, as organized un-

der the provisions of that direct primary law which was approved June 16, 1913.

2. At their convention the members of the Congressional party committee may promulgate a party platform as to national party issues, and as such issues may affect the approaching Congressional or Presidential election. In each year of the general November election at which Electors of President and Vice-President of the United States are to be chosen, they shall also nominate as the candidates of their party as many Electors of President and Vice-President of the United States as the State is then entitled to, and it shall be the duty of the Secretary of State to issue certificates of nomination to the Electors so nominated, and to cause the names of such candidates for Elector to be placed upon the ballot at the ensuing November election.

3. Each such Congressional party committee shall choose its officers by ballot and each committee and its officers shall have the power usually exercised by the such committees and the officers thereof in so far as may be consistent with this act. It may select an executive committee, to which executive committee it may grant all or any portion of its powers and duties, including the naming, if desired, of auxiliary county committees.

Sec. 44. In case, as a result of any primary election held under the provisions of this act, a person has received a nomination to any elective office without first having filed nominating papers and having his name printed on the primary election ballot, he may not less than thirty days before the day of election cause his name to be withdrawn from nomination by filing in the office where he would have filed his nominating papers had he been a candidate for nomination, his request therefor in writing, signed by him and duly acknowledged, and no name so withdrawn shall be printed on the election ballot for the ensuing final election. The vacancy created by the withdrawal of such person as aforesaid shall not be filled. In the case of all other vacancies occurring after the holding of any primary election that candidate receiving at said primary election the highest vote among all the candidates for said office who have failed to receive a sufficient number of votes to get upon said ballot shall go upon said ballot to fill said vacancy; provided, however, that if the vacancy occurs in a case where, by reason of having received a majority vote at the primary election, only one person is entitled to have his name printed upon the ballot at the ensuing November election, the names of the two candidates receiving the next highest vote at the primary election (if there were such number) shall be placed upon the ballot for the November election.

Sec. 45. In case of a tie vote, if for an office to be voted for wholly within one county the county, city and county or city board charged by law with the duty of canvassing the vote at the election, as the case may be, shall forthwith summon the candidates who have received such tie votes to appear before such board, and such board in the presence of such candidates shall determine the tie by lot. In the case of a tie vote for an office to be voted for in more than one county, such tie shall be determined by lot by the Secretary of State in the presence of the candidates or their legally appointed representatives. Such summons must in every case be mailed to the address of the candidate as it appears upon his affidavit of registration.

Sec. 46.. Whenever it shall be made to appear by affidavit to the Supreme Court or District Courts of Appeal or Superior Court of the proper county that an error or omission has occurred, or is about to occur, in the placing of any name on an official primary election ballot, that any error has been or is about to be committed in printing such ballot, or that any wrongful act has been or is about to be done by any judge or clerk of a primary election, County Clerk, Registrar of Voters, Canvassing Board or any member thereof, or other person charged with any duty concerning the primary election, or that any neglect of duty has occurred or is about to occur, such court shall order the officer or person charged with such error, wrong or neglect to forthwith correct the error, desist from the wrongful act or perform the duty, or forthwith show cause why he should not do so. Any person who shall fail to obey the order of such court shall be cited forthwith to show cause why he shall not be adjudged in contempt of court.

Sec. 47. Any candidate at a primary election held under the provisions of this act, desiring to contest a nomination of another candidate for the same office, may, within four days after the completion of the official canvass, file an affidavit in the office of the Clerk of the Superior Court of the county in which he desires to contest the vote returned from any precinct or precincts in such county, and thereupon have a recount of the ballots cast in any such precinct or precincts, in accordance with the provisions of this section. Such affidavit must specify separately each precinct in which a recount is demanded, and the nature of the mistake, error, misconduct, or other cause why it is claimed that the returns from such precinct do not correctly state the vote as cast in such precinct, for the contestant and the contestee. The contestee must be made a party respondent, and so named in the affidavit. No personal service or



other service than as herein provided need be made upon the contestee. Upon the filing of such affidavit the County Clerk shall forthwith post in a conspicuous place in his office, upon a bulletin board to be prepared for that purpose, and to have upon it in conspicuous letters the words "Notice of primary election contests" a copy of the affidavit. Upon the filing of such affidavit and the posting of the same, the Superior Court of the county shall have jurisdiction of the subject matter and of the parties to such contest, and all candidates at any such primary election are permitted to be candidates under this act, only upon the condition that such jurisdiction for the purposes of the proceeding authorized by this section shall exist in the manner and under the conditions provided for by this section. The contestant on the date of filing such affidavit, must send by registered mail a copy thereof to the contestee in a sealed envelope, with postage prepaid, addressed to the contestee at the place of residence named in the affidavit of registration of such contestee, and shall make an affidavit of such mailing and file the same with the County Clerk to become a part of the records of the contest. At any time within three days after the filing of the affidavit of the contestant to the effect that he has sent by registered mail a copy of the affidavit to the contestee, such contestee may file with the County Clerk an affidavit in his own behalf, setting up his desire to have the votes counted in any precincts, designating them, in addition to the precincts designated in the affidavit of the contestant, and setting up his grounds therefor. On the trial of the contest all of the precincts named in the affidavits of the contestant and the contestee shall be considered, and a recount had with reference to all of said precincts; and the contestant shall have the same right to answer the affidavit of the contestee as is given to the contestee herein with reference to the affidavit of the contestant except that such answer must be filed not later than the first day of the trial of said contest. On the eighth day after the completion of the official canvass the County Clerk shall present the affidavits of the contestant and the contestee and proof of posting, as aforesaid, to the Judge of the Superior Court of the county, or any Judge acting in his place, or the presiding Judge of the Superior Court of a county or city and county, or any one acting in his stead, which Judge shall, upon such presentation, forthwith designate the time and place where such contest shall proceed, and in counties or cities and counties where there are more than one Superior Judge, assign all the cases to one department by the order of such court. Such order must so assign such case or cases, and fix such time and place for hearing, which time must not be less than one nor more

than three days from the presentation of the matter to the court by the County Clerk as herein provided. It shall be the duty of the contestee to appear either in person or by attorney, at the time and place so fixed, and to take notice of the order fixing such time and place from the records of the court, without service. No special appearance of the contestee for any purpose except as herein provided shall be permitted, and any appearance whatever of the contestee or any request of the court by the contestee or his attorney, shall be entered as a general appearance in the contest. No demurrer or objection can be taken by the parties in any other manner than by answer, and all the objections must be contained in the answer. The court if the contestee shall appear, must require the answer to be made within three days from the time and place as above provided, and if the contestee shall not appear shall note his default, and shall proceed to hear and determine the contest with all convenient speed. If the number of votes which are sought to be recounted, or the number of contests are such that the Judge shall be of opinion that it will require additional Judges to enable the contest or contests to be determined in time to print the ballots for the election, if there be only one Judge for such county, he may obtain the service of any other Superior Judge, and the proceedings shall be the same as herein provided in counties where there is more than one Superior Court Judge. If the proceeding is in a county or city and county where there is more than one Superior Court Judge, the Judge to whom the case or cases shall be assigned, shall notify the presiding Judge forthwith, of the number of Judges which he deems necessary to participate, in order to finish the contest or contests in time to print the ballots for the final election, and the said presiding Judge shall forthwith designate as many Judges as are necessary to such completion of such contest, by order in writing, and thereupon all of the Judges so designated shall participate in the recount of such ballots and the giving of judgment in such contest or contests in the manner herein specified. The said Judges so designated by said last mentioned order, including the Judge to whom said contests were originally assigned, shall convene upon notice from the Judge to whom such contest or contests were originally assigned, and agree upon the precincts which each one of such Judges will recount, sitting separately, and thereupon such recount shall proceed before each such Judge sitting separately, as to the precincts so arranged, in such manner that the recount shall be made in such precincts before each such Judge as to all the contests pending, so that the ballots opened before one Judge need not be opened before another Judge or department, and

the proceedings before such Judge in making such recount as to the appointment of the clerk and persons necessary to be assistants of the Court in making the same, shall be the same as in contested elections, and the Judge shall fix the pay or compensation for such persons, and require the payment each day in advance of the amount thereof, by the person who is proceeding with and requiring the recount of the precinct being recounted. When the recount shall have been completed in the manner herein required, if more than one Judge has taken part therein, all the Judges who took part shall assemble and make the decision of court, and if there be any differences of opinion, a majority of such Judges shall finally determine all such questions, and give the decision or judgment of the Court in such contest or contests, separately. Such decision or judgment of the court shall be final in every respect, and no appeal can be had therefrom. The judgment shall be served upon the County Clerk or Registrar of Voters by delivery of a certified copy thereof, and may be enforced summarily in the manner provided in Section 47 of this act, and if the contest proceeds in more than one county, and the nominee is to be certified by the Secretary of State from the compilation of election returns in his office, then the judgment in each county in which a contest may be had shall show what, if any changes in the returns in the office of the Secretary of State relating to such county or city and county, ought to be made, and all such judgments shall be served upon the Secretary of State, by the delivery of a certified copy, and he shall make such changes in the record in his office as such judgment or judgments require, and conform his compilation and his certificate of nomination in accordance therewith. If the office contested is one to be voted upon in more than one county, the time within which such contest may be brought in any county involved shall begin to run at the time of the declaration of the official canvass by the Board of Supervisors of the county last making such declaration.

Sec. 48. No candidate for nomination to any elective office shall directly or indirectly pay, expend or contribute any money or other valuable thing, or promise so to do, except for lawful expenses. Lawful expenses as used in this section are limited to expenses for the following purposes only:

1. For the candidate's official filing fee.
2. For the preparing, printing, and circulating of nomination papers.
3. For the candidate's personal traveling expenses.
4. For rent and necessary furnishing of halls or rooms, during such candidacy, for public meetings or for committee headquarters.

5. For payment of speakers and musicians at public meetings and their necessary traveling expenses.

6. For printing and distribution of pamphlets, circulars, newspapers, cards, handbills, posters, and announcements relative to candidates or political issues or principles.

7. For his share of the reasonable compensation of challengers at the polls.

8. For making canvasses of voters.

9. For clerk hire.

10. For conveying infirm or disabled voters to and from the polls.

11. For postage, expressage, telegraphing, and telephoning, relative to candidacy.

Sec. 49. Every person who shall be a candidate for nomination to any elective office, shall make in duplicate, within fifteen days after the primary election, a verified statement, setting forth each and every sum of money contributed, disbursed, expended or promised by him, and, to the best of his knowledge and belief, by any and every other person or association of persons in his behalf wholly or partly in endeavoring to secure his nomination. This statement must show in detail all moneys paid, loaned, contributed, or otherwise furnished to him directly or indirectly in aid of his nomination, together with the name of the person or persons from whom such moneys were received; and must also show in detail, under each of the subdivisions of Section 48 of this act, all moneys contributed, loaned, or expended by him directly or indirectly by himself or through any other person, in aid of his nomination, together with the name of the person or persons to whom such moneys were paid, or disbursed. Such statement must set forth that the affiant has used all reasonable diligence in its preparation, and that the same is true and is as full and explicit as he is able to make it. Within the time aforesaid the candidate shall file one copy of said statement with the officer with whom his nomination papers were filed, and the other with the Recorder of the county or city and county in which he resides, who shall record the same in a book to be kept for that purpose, and to be open to public inspection. No officer shall issue any certificate of nomination to any person until such statement as herein provided has been filed and no other statement of expenses shall be required except that provided herein, and no fee or charge whatsoever shall be made or collected by any officer for the verifying, filing, or recording of such statements or a copy thereof.

Sec. 50. Any person violating any of the provisions of Section 48 or Section 49 of this act shall be guilty of a misdemeanor, and upon trial and conviction thereof, in

addition to the sentence imposed by the court, he shall forfeit all right to the office for which he was a candidate at the time of violating the provisions aforesaid.

Sec. 51. 1. Any person who shall offer, or with knowledge of the same permit any person to offer for his benefit, any bribe to a voter to induce such voter to sign any nomination paper, and any person who shall accept such bribe or any promise of gain of any kind in the nature of a bribe as consideration for signing any nomination paper, whether such bribe or promise of gain in the nature of a bribe be offered or accepted before or after signing, shall be guilty of a misdemeanor and upon trial and conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than three hundred dollars, or by imprisonment in the County Jail for not less than ten days nor more than one hundred and twenty days, or by both such fine and imprisonment.

2. Any person who, being in possession of any nomination paper or papers and affidavits entitled to be filed under the provisions of this act, shall wrongfully either suppress, neglect or fail to cause the same to be filed at the proper time and in the proper place shall be guilty of a misdemeanor, and upon trial and conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the County Jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

3. Any act or omission declared to be an offense by the general laws of this State concerning primaries and elections shall also in like case be an offense concerning primary elections as provided for by this act, and shall be punished in the same manner and form as therein provided, and all the penalties and provisions of the law governing elections, except as herein otherwise provided, shall apply with equal force to primary elections as provided for by this act.

Sec. 52. It shall be the duty of the Secretary of State and the Attorney-General to prepare on or before January 1, 1916, all forms necessary to carry out the provisions of this act, which forms shall be substantially followed in all primary elections held in pursuance hereof.

Sec. 53. This statute shall be liberally construed, so that the real will of the people shall not be defeated by any informality in respect to carrying out all the provisions of this law.

Sec. 54. If any section, subdivision, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature

hereby declares that it would have passed this act, and each section, subdivision, sentence, clause, and phrase thereof, irrespective of the fact that any one or more other sections, subdivisions, sentences, clauses, or phrases be declared unconstitutional.

Sec. 55. The act approved June 16, 1913, known as the direct primary law, is hereby repealed, and all other acts or parts of acts, inconsistent with or in conflict with the provisions of this act, are also hereby repealed.

## PRESIDENTIAL PRIMARY ACT.

An Act to provide for the indication by the registered qualified electors of their choice for nomination by their respective political parties for President of the United States through the election of the delegates of said political parties to their respective national conventions, and to repeal an act approved December 24, 1911, known as the Presidential primary act, and also to repeal all other acts or parts inconsistent with or in conflict with the provisions of this act. (Approved April 28, 1915.)

Section 1. On the first Tuesday in May of each year of the general November election at which Electors of President and Vice-President of the United States are to be chosen, there shall be held a primary nominating election, to be known as the May Presidential primary election, at which the registered qualified electors shall have opportunity, on separate party ballots provided for that purpose, to elect the delegates of their respective political parties to their respective national conventions for the nomination of their party candidates for President and Vice-President of the United States, thereby indicating the preference of said electors for their Presidential nominee.

Date and  
purpose of  
election

Sec. 2. The chairman of the State central committee, or, after the year 1916, the chairman of the Congressional party committee, of each of the political parties qualified to participate in the election provided for in this act shall notify the Secretary of State on or before the first day of March of each year of the general November election at which Electors of President and Vice-President of the United States are to be chosen, as to the number of delegates to represent the State in the next national convention of his said party. If said chairmen, or any of them, fail to file such notice, it shall be the duty of the Secretary of State to ascertain the said number of delegates from the call for said national convention issued by the national committee of each party whose chairman has failed to notify him as aforesaid. The delegates who shall represent each political party at its national convention shall all be elected by the voters of the State at large. The Secretary of State shall, on or before the tenth day of March of the year of the May Presidential primary election, certify to the County Clerk or Registrar of Voters of each county, or city and county, the number of delegates to be so elected by each of the

political parties qualified to participate in the said election. Any political party shall be qualified to participate in the May Presidential primary election which is qualified to participate in the August primary election according to the provisions of the "direct primary law."

Sec. 3. The names of persons to be voted upon as delegates to the respective national conventions of the several political parties shall be printed upon the ballots of their respective parties upon the filing of nomination papers substantially as provided in Sections 11 to 21, inclusive, of the "direct primary law" as said direct primary law was enacted at the forty-first session of the Legislature; provided, that, in the case of each party, nomination papers for candidates for delegates must be signed by the same number of electors as is required on the nomination paper of a candidate for United States Senator; and provided, also, that whenever a candidate for delegate files a statement with the Secretary of State, as hereinafter provided in this section, wherein as a delegate he enrolls himself with other delegates in expressing his preference for the same person as candidate for Presidential nominee, there may be nominated by the same nomination paper the names of all such candidates for delegates who are included in such statement as have individually filed similar statements with the Secretary of State. The form of nomination paper as set forth in Section 13 of said direct primary law shall be changed for this purpose by substituting, in the appropriate place, for the name of a single candidate, as follows: "hereby nominate the following:

	Names.	Residence, City or Town.	County.	Number Congressional District.
1.	.....	.....	.....	.....
2.	.....	.....	.....	.....
3.	.....	.....	.....	.....

(to 26 names, or such other number as may be required)

as candidates for delegate to the.....national party convention, to be voted for at the primary election to be held on the.....day of May, 19...."

And by making such other changes in said form as may be necessary. The verification deputies to obtain signatures on the nomination paper for such group of candidates for delegates may be appointed, either according to the provisions of Subdivision 1 of Section 12 of said direct primary law, by said candidates for delegates joining together in the appointment of said deputies; or, according to the provisions of Subdivision 2 of said Section 12 by the "five registered qualified electors" appointing said deputies to obtain signatures for the nomination of all of said candidates whose names are grouped to-



gether on the same nomination papers; provided, however, that the number of such candidates for delegates shall not be greater than the total number of delegates to be elected by said party; and provided, further, that the names of such candidates thus grouped together shall be so selected that the smallest number of such candidates who shall reside in any one Congressional district shall be no less than the integer of the quotient obtained by dividing the number of the names of such candidates appearing upon the same nomination paper by the total number of Congressional districts of the State, and that the largest number of such candidates who shall reside in any one Congressional district shall be no greater than twice said integer; and if not so selected said names shall not be grouped together on the ballot, but shall appear as individuals.

Candidates for delegate grouped together on the same nomination paper and selected as aforesaid shall be similarly grouped, in the same order of names, upon the ballots of their party; provided, that such group of candidates for delegate has the endorsement of that candidate for Presidential nominee for whom the members of said group have filed a preference, or the endorsement of such a State political organization created in support of the candidacy of said Presidential nominee as shall not be repudiated by him as lacking authority to make such endorsement; said endorsement, either of the candidate or of the organization supporting him, to be filed with the Secretary of State. No candidates for delegate not thus endorsed shall have their names printed upon the ballot in a group, but such candidates must appear as individuals; and further provided, that the name of no candidate shall appear more than once on the ballot, and that any candidate whose nomination paper is filed in more than one group, or in the same group differently arranged, shall have his name printed on the ballot as a part of that group which has had first filed the endorsement as herein recited; provided, that one of the groups in which his name occurs has received such endorsement. Each candidate for election as delegate to his national party convention must file with the Secretary of State not later than the time of filing the nomination papers containing his name, an affidavit substantially as provided in Section 11 of the "direct primary law," and may also include with his affidavit the following statement:

#### **Delegate's Statement.**

"I personally prefer.....as nominee of my political party for President of the United States, and hereby declare to the voters of my party in the State of California that if elected as delegate to their national party convention, I shall, to the best of my judgment

and ability, support said.....as nominee of my party for President of the United States" (filling in the blanks by inserting his choice for such nominee). But the neglect or failure of any candidate to include any statement of preference for Presidential nominee shall not be a valid ground on the part of the Secretary of State for refusal to receive and file the nomination paper containing his name.

However, each candidate for delegate whose name is filed upon a nomination paper together with the names of other candidates, as hereinbefore in this section provided, in order to have his name printed upon the ballot in a group with such other names, must file such statement of preference, and shall add to it the following:

"And I hereby enroll myself in the expression of preference for said.....for Presidential nominee, as one of the following named candidates for delegate:

.....  
 .....  
 .....

Etc.

(the blanks immediately following the word "delegate" being filled in by the printed or typewritten names of all the candidates for delegate, including the signer, whose names appear upon the same nomination paper in accordance with the provisions of this section) .

(Signed) ....."

Sec. 4. The names of the candidates for delegate of any political party shall be arranged upon the ballot of such party in parallel columns, the various candidates for delegate appearing in these columns under their preference for President according to the provisions of Section 3 of this act. That group of candidates which shall first file its nomination paper with the Secretary of State shall be entitled to the first or left-hand column; the group which next files its nomination paper shall be entitled to the second column; and similarly for all other groups. The left-hand column shall be headed in heavy face, ten-point gothic type, the following:

"Candidates preferring....."

(The blank being filled in by the name of that candidate for Presidential nominee for whom the members of the group in said left-hand column have expressed a preference.) The second column shall be similarly headed except that the name of the candidate shall be that preferred by the members of the group in said second column; and so on for as many columns as may have groups who have expressed a preference for Presidential nominee.

To the right of the last column headed by the name of a candidate for Presidential nominee shall be a column headed by the words "No preference," in heavy face, ten-point, gothic type, in which column shall appear the names of all candidates for delegate who have expressed no preference for Presidential nominee, or who have expressed a preference for a Presidential nominee who has not endorsed said candidates, either personally, or through the State political organization created in support of his candidacy, as such endorsement is provided for in Section 3 of this act. To the right of the last column shall be a column headed by the words "Blank column" in heavy face, ten-point, gothic type, which column shall contain as many blank spaces as there are delegates to be elected by the political party concerned. In case that there are no names of candidates for delegate to be placed in a "No preference column," such "No preference column" shall be omitted from the ballot, and the "Blank column" as herein provided for shall be placed to the right of and contiguous to the last column headed by the surname of a candidate for Presidential nominee.

The names of the various candidates for delegates shall be printed in eight-point, roman capital type, under their respective preferences for Presidential nominee or in the no preference column, as heretofore provided in this act. The names of each group on the ballot shall be numbered in heavy face, eight-point type. The order of names for each column upon the ballot shall be the same as the order in which such names were filed with the Secretary of State; provided, that above the individual names in each column, if any, shall appear the group of names, if any, which has received the endorsement referred to in Section 3 of this act.

A blank column one-half inch wide shall be left upon the ballot opposite each group of names and to the right of the column of voting squares for the individual names and separated from it by a light dotted line, which blank column shall contain a square in which may be stamped a cross (X) which shall be counted as a vote for each and every name in the group opposite. Lengthwise along this blank column shall be printed "A cross (X) stamped in this square shall be counted for each name of the group to the left." The line separating any name from any other name not in a group or from any group of names shall be heavier than any line separating the individual names in such group, and shall extend across the blank column provided for in this paragraph. Below the top line of this extension shall be printed in small heavy face type the words "top of group," and above the bottom line of the extension, the words "end of group."

Sec. 5. The delegates to each national party convention elected at the May Presidential primary election, shall, before leaving the State to attend the convention, meet together and select alternates to the convention. The number of alternates to be selected shall be no greater than one for each delegate, and each alternate must be selected from the Congressional district of the delegate for whom he is an alternate; and the method of selection shall be as determined upon by the majority of the whole number of delegates who have been elected to the convention. The duties of an alternate shall be those usually appertaining to that position, and as prescribed by each party in the call for its national convention. The alternate of any such delegate as may be unable to attend the convention, shall attend the convention **in his place**, and shall otherwise discharge the duties of said delegate, but shall not vote in place of said delegate when said delegate is occupying his seat at the convention.

Sec. 6. For purposes of the May Presidential primary election only the new registration, beginning on January 1st of the year in which such May Presidential primary election is held, shall be used. Any person registered in accordance with the provisions of this section and of Section 1096 of the Political Code and who, on asking for his party ballot at the polls, writes, or has written, and declares his political affiliation in accordance with Section 36 of the direct primary law, shall be qualified to vote at such election, and shall receive the ticket of that political party only with which he thus declares himself affiliated. Any person qualified by the provisions of this section to vote at any May Presidential primary election shall also be qualified to sign the nomination papers of any person to be voted upon at such primary election.

Sec. 7. The ballot to be used at the May Presidential primary election shall be prepared according to the provisions of Sections 3 and 4 of this act, and also according to such provisions of the "direct primary law" as are applicable to this act and not in conflict with its provisions; provided, that the words at the top of the ballot shall be "Official Presidential primary election ballot," and that the instructions to voters shall be as follows: "To vote for a person whose name appears on the ballot, stamp a cross (X) in the square at the right of the name of the person for whom you desire to vote; or if you wish to vote for all of a group of persons, stamp a cross (X) in the square opposite such group which cross shall be counted for each name of the group. A group consists of candidates for delegates nominated on the same nomination paper. To vote for a person whose name is

not printed on the ballot, write his name in the blank space provided for that purpose; and it is optional, but not necessary, to stamp a cross after such name."

There shall be printed in heavy face, twelve-point, gothic type, across the page above the columns of candidates for delegates, the words, "For delegates to national convention vote for . . . . ., either as individuals or by group, but do not vote for more than . . . ." (the blanks being filled in by the number of delegates to be elected by the political party concerned.)

The ballot shall be printed substantially in the following form:

OFFICIAL PRESIDENTIAL PRIMARY ELECTION BALLOT  
REPUBLICAN PARTY

Third Assembly District, May 14, 1912

The data for a person whose name appears in the list, along a value 1.00 is the sum of the values of the name of the person for whose put there is one, or of put there is one for all of a group of persons, along a value 1.00 in the space opposite each group, which then add to control for each name of the group. A group consists of numbers for integers (integers), or the main translation point. To use for a person whose name is not present in the list, enter the name in the last space provided for each person. If 1 is entered, then usually in the space after each name.

For English as Second Language, Time IV 3A, after an individual or by group. Do not use for more than 3A.									
Baseline Proficiency LEVEL 1 (Beginner)		Intermediate Proficiency LEVEL 2 (Low Intermediate)		Advanced Proficiency LEVEL 3 (High Intermediate)		Pre-Professional Proficiency LEVEL 4 (Advanced)		High Proficiency	
1. JOHN LARSEN	Top of group	4. MARTIN LARSEN	Low of group	7. THOMAS REIDER	Top of group	10. JAMES CLARK	Top of group		
2. CHARLES LARSEN		5. LARRY REIDER		8. WILLIAM REID		11. FREDERICK WILLIAMS			
3. JENNIFER LARSEN		6. GERALD REIDER		9. JAMES WILSON		12. HARVEY W. JONES			
4. W. J. WILSON		7. FRANK CHAPMAN		10. JOHN BROWN		13. BEN J. JONES			
5. THOMAS W. JONES		8. TONY WATSON		11. W. J. BROWN		14. W. J. BROWN			
6. JOHN BROWN		9. EDWARD PEARCE		12. E. JONES		15. JOHN PETERSON			
7. FRANK LARSEN		10. EDWARD LARSEN		13. F. J. JONES		16. W. J. BROWN			
8. JENNIFER WATSON		11. THOMAS PEARCE		14. JOHN PETERSON		17. ANDREW BROWN			
9. FRANK WATSON		12. FRANK BROWN		15. W. J. BROWN		18. JOHN BROWN			
10. JOHN BROWN		13. EDWARD CHAPMAN		16. W. J. JONES		19. JOHN BROWN			
11. JOHN BROWN		14. JOHN BROWN		17. W. J. JONES		20. JOHN BROWN			
12. JOHN BROWN		15. JOHN BROWN		18. W. J. JONES		21. JOHN BROWN			
13. JOHN BROWN		16. JOHN BROWN		19. W. J. JONES		22. JOHN BROWN			
14. JOHN BROWN		17. JOHN BROWN		20. W. J. JONES		23. JOHN BROWN			
15. JOHN BROWN		18. JOHN BROWN		21. W. J. JONES		24. JOHN BROWN			
16. JOHN BROWN		19. JOHN BROWN		22. W. J. JONES		25. JOHN BROWN			
17. JOHN BROWN		20. JOHN BROWN		23. W. J. JONES		26. JOHN BROWN			
18. JOHN BROWN		21. JOHN BROWN		24. W. J. JONES		27. JOHN BROWN			
19. JOHN BROWN		22. JOHN BROWN		25. W. J. JONES		28. JOHN BROWN			
20. JOHN BROWN		23. JOHN BROWN		26. W. J. JONES		29. JOHN BROWN			
21. JOHN BROWN		24. JOHN BROWN		27. W. J. JONES		30. JOHN BROWN			
22. JOHN BROWN		25. JOHN BROWN		28. W. J. JONES		31. JOHN BROWN			
23. JOHN BROWN		26. JOHN BROWN		29. W. J. JONES		32. JOHN BROWN			
24. JOHN BROWN		27. JOHN BROWN		30. W. J. JONES		33. JOHN BROWN			
25. JOHN BROWN		28. JOHN BROWN		31. W. J. JONES		34. JOHN BROWN			
26. JOHN BROWN		29. JOHN BROWN		32. W. J. JONES		35. JOHN BROWN			
27. JOHN BROWN		30. JOHN BROWN		33. W. J. JONES		36. JOHN BROWN			
28. JOHN BROWN		31. JOHN BROWN		34. W. J. JONES		37. JOHN BROWN			
29. JOHN BROWN		32. JOHN BROWN		35. W. J. JONES		38. JOHN BROWN			
30. JOHN BROWN		33. JOHN BROWN		36. W. J. JONES		39. JOHN BROWN			
31. JOHN BROWN		34. JOHN BROWN		37. W. J. JONES		40. JOHN BROWN			
32. JOHN BROWN		35. JOHN BROWN		38. W. J. JONES		41. JOHN BROWN			
33. JOHN BROWN		36. JOHN BROWN		39. W. J. JONES		42. JOHN BROWN			
34. JOHN BROWN		37. JOHN BROWN		40. W. J. JONES		43. JOHN BROWN			
35. JOHN BROWN		38. JOHN BROWN		41. W. J. JONES		44. JOHN BROWN			
36. JOHN BROWN		39. JOHN BROWN		42. W. J. JONES		45. JOHN BROWN			
37. JOHN BROWN		40. JOHN BROWN		43. W. J. JONES		46. JOHN BROWN			
38. JOHN BROWN		41. JOHN BROWN		44. W. J. JONES		47. JOHN BROWN			
39. JOHN BROWN		42. JOHN BROWN		45. W. J. JONES		48. JOHN BROWN			
40. JOHN BROWN		43. JOHN BROWN		46. W. J. JONES		49. JOHN BROWN			
41. JOHN BROWN		44. JOHN BROWN		47. W. J. JONES		50. JOHN BROWN			
42. JOHN BROWN		45. JOHN BROWN		48. W. J. JONES		51. JOHN BROWN			
43. JOHN BROWN		46. JOHN BROWN		49. W. J. JONES		52. JOHN BROWN			
44. JOHN BROWN		47. JOHN BROWN		50. W. J. JONES		53. JOHN BROWN			
45. JOHN BROWN		48. JOHN BROWN		51. W. J. JONES		54. JOHN BROWN			
46. JOHN BROWN		49. JOHN BROWN		52. W. J. JONES		55. JOHN BROWN			
47. JOHN BROWN		50. JOHN BROWN		53. W. J. JONES		56. JOHN BROWN			
48. JOHN BROWN		51. JOHN BROWN		54. W. J. JONES		57. JOHN BROWN			
49. JOHN BROWN		52. JOHN BROWN		55. W. J. JONES		58. JOHN BROWN			
50. JOHN BROWN		53. JOHN BROWN		56. W. J. JONES		59. JOHN BROWN			
51. JOHN BROWN		54. JOHN BROWN		57. W. J. JONES		60. JOHN BROWN			
52. JOHN BROWN		55. JOHN BROWN		58. W. J. JONES		61. JOHN BROWN			
53. JOHN BROWN		56. JOHN BROWN		59. W. J. JONES		62. JOHN BROWN			
54. JOHN BROWN		57. JOHN BROWN		60. W. J. JONES		63. JOHN BROWN			
55. JOHN BROWN		58. JOHN BROWN		61. W. J. JONES		64. JOHN BROWN			
56. JOHN BROWN		59. JOHN BROWN		62. W. J. JONES		65. JOHN BROWN			
57. JOHN BROWN		60. JOHN BROWN		63. W. J. JONES		66. JOHN BROWN			
58. JOHN BROWN		61. JOHN BROWN		64. W. J. JONES		67. JOHN BROWN			
59. JOHN BROWN		62. JOHN BROWN		65. W. J. JONES		68. JOHN BROWN			
60. JOHN BROWN		63. JOHN BROWN		66. W. J. JONES		69. JOHN BROWN			
61. JOHN BROWN		64. JOHN BROWN		67. W. J. JONES		70. JOHN BROWN			
62. JOHN BROWN		65. JOHN BROWN		68. W. J. JONES		71. JOHN BROWN			
63. JOHN BROWN		66. JOHN BROWN		69. W. J. JONES		72. JOHN BROWN			
64. JOHN BROWN		67. JOHN BROWN		70. W. J. JONES		73. JOHN BROWN			
65. JOHN BROWN		68. JOHN BROWN		71. W. J. JONES		74. JOHN BROWN			
66. JOHN BROWN		69. JOHN BROWN		72. W. J. JONES		75. JOHN BROWN			
67. JOHN BROWN		70. JOHN BROWN		73. W. J. JONES		76. JOHN BROWN			
68. JOHN BROWN		71. JOHN BROWN		74. W. J. JONES		77. JOHN BROWN			
69. JOHN BROWN		72. JOHN BROWN		75. W. J. JONES		78. JOHN BROWN			
70. JOHN BROWN		73. JOHN BROWN		76. W. J. JONES		79. JOHN BROWN			
71. JOHN BROWN		74. JOHN BROWN		77. W. J. JONES		80. JOHN BROWN			
72. JOHN BROWN		75. JOHN BROWN		78. W. J. JONES		81. JOHN BROWN			
73. JOHN BROWN		76. JOHN BROWN		79. W. J. JONES		82. JOHN BROWN			
74. JOHN BROWN		77. JOHN BROWN		80. W. J. JONES		83. JOHN BROWN			
75. JOHN BROWN		78. JOHN BROWN		81. W. J. JONES		84. JOHN BROWN			
76. JOHN BROWN		79. JOHN BROWN		82. W. J. JONES		85. JOHN BROWN			
77. JOHN BROWN		80. JOHN BROWN		83. W. J. JONES		86. JOHN BROWN			
78. JOHN BROWN		81. JOHN BROWN		84. W. J. JONES		87. JOHN BROWN			
79. JOHN BROWN		82. JOHN BROWN		85. W. J. JONES		88. JOHN BROWN			
80. JOHN BROWN		83. JOHN BROWN		86. W. J. JONES		89. JOHN BROWN			
81. JOHN BROWN		84. JOHN BROWN		87. W. J. JONES		90. JOHN BROWN			
82. JOHN BROWN		85. JOHN BROWN		88. W. J. JONES		91. JOHN BROWN			
83. JOHN BROWN		86. JOHN BROWN		89. W. J. JONES		92. JOHN BROWN			
84. JOHN BROWN		87. JOHN BROWN		90. W. J. JONES		93. JOHN BROWN			
85. JOHN BROWN		88. JOHN BROWN		91. W. J. JONES		94. JOHN BROWN			
86. JOHN BROWN		89. JOHN BROWN		92. W. J. JONES		95. JOHN BROWN			
87. JOHN BROWN		90. JOHN BROWN		93. W. J. JONES		96. JOHN BROWN			
88. JOHN BROWN		91. JOHN BROWN		94. W. J. JONES		97. JOHN BROWN			
89. JOHN BROWN		92. JOHN BROWN		95. W. J. JONES		98. JOHN BROWN			
90. JOHN BROWN		93. JOHN BROWN		96. W. J. JONES		99. JOHN BROWN			
91. JOHN BROWN		94. JOHN BROWN		97. W. J. JONES		100. JOHN BROWN			
92. JOHN BROWN		95. JOHN BROWN		98. W. J. JONES					
93. JOHN BROWN		96. JOHN BROWN		99. W. J. JONES					
94. JOHN BROWN		97. JOHN BROWN		100. W. J. JONES					
95. JOHN BROWN		98. JOHN BROWN							
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97. JOHN BROWN		100. JOHN BROWN							
98. JOHN BROWN									
99. JOHN BROWN									
100. JOHN BROWN									

Sec. 8. The County Clerk of each county, or Registrar of Voters in any city or county, shall distribute to each precinct, as near as may be, twice as many official ballots for each party as were cast in the precinct for the candidate of that party for United States Senator at the last election in this State at which a United States Senator was elected; and if the number of ballots so furnished proves insufficient, additional ballots must be furnished by the County Clerk on demand by the Board of

Election officials of the precinct. One sample ballot of each party shall be mailed to every elector entitled to vote at the May Presidential primary election, not more than ten days nor less than five days before the election. This sample ballot for each party shall be one-half the dimensions, as near as may be, of the official ballot for such party, and shall otherwise be of the same form, and contain the same names and heading, as the official ballot; and above the first line of said heading shall appear the words "Sample ballot (reduced to one-quarter size) of the."

Sec. 9. The provisions of the direct primary law as enacted by the Legislature of the State of California at its forty-first regular session shall govern the May Presidential primary election in so far as said provisions are applicable to said election and are not inconsistent with or in conflict with the provisions of this act.

Sec. 10. It shall be the duty of the Secretary of State and the Attorney-General to prepare, on or before the first day of January, 1916, all forms necessary to carry out the provisions of this act, which forms shall be substantially followed in all Presidential primary elections held in pursuance hereof.

Sec. 11. This act shall be known as the Presidential primary act.

Sec. 12. The act approved December 24, 1911, known as the Presidential Primary Act, is hereby repealed, and all other acts and parts of acts inconsistent with or in conflict with the provisions of this act are also hereby repealed.

## CONSOLIDATION OF PRECINCTS.

### **An Act to Permit the Consolidation of Elections and to Provide a Procedure Therefor.**

(Approved June 11, 1913.)

Section 1. Whenever two or more elections are called to be held on the same day, in the same territory, or in territory that is in part the same, such elections may be consolidated in the manner provided by this act.

Sec. 2. Any such two or more elections, whether held under a freeholders charter or under any State law, or both, may be so consolidated and different elections called by the same governing body may be so consolidated.

Sec. 3. Such elections may be consolidated as to territory which is the same by order of the governing body or bodies calling the elections; and where one of the elections to be consolidated is a State election, the Board of Supervisors of the county wherein said consolidation may be had shall have authority to order such consolidation, as respects such State election.

Sec. 4. Within the territory affected by such order of consolidation, the election precincts, polling places and voting booths shall, in every case, be the same and there shall be only one set of election officers in each of such precincts. When the returns of elections consolidated under this act are required to be canvassed by different canvassing bodies, such elections shall be conducted separately in the same manner as if they had not been consolidated, except as in this section provided; and provided, further, that in case of the consolidation of an election called by the legislative body of a city with an election called by the Board of Supervisors of the county in which such city is situated, the governing body of such city, in the ordinance or notice calling such election, may authorize such Board of Supervisors to canvass the returns of such election, and such election shall be held in all respects as if there were only one election, and only one ticket or ballot shall be used thereat; and the returns of such election need not be canvassed by the legislative body of such city. When the returns of any two or more elections consolidated under this act are required to be canvassed by the same body, such elections shall be held in all respects as if there were only one election, and only one ticket or ballot shall be used thereat. (Amended June 4, 1915.)

Sec. 5. When elections are consolidated under the provisions of this act, the governing body or bodies ordering such consolidation may, in the territory affected thereby, provide for the appointment of officers of election, for the formation of precincts for such elections and the expenses of said election.

Sec. 6. Nothing in this act shall be so construed as to repeal an act of the Legislature of the State of California, entitled, "An act to provide for the regulation of the traffic in alcoholic liquors by establishing local option: authorizing the filing of petitions praying for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions; providing for the calling and holding of such elections; making it the duty of the proper governing body to declare such territory to be no-license territory unless a majority of votes is cast in favor of license; providing that no licenses, permits or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted; forfeiting and declaring void all such licenses or permits theretofore issued and in force; making it a penal offense to sell, give away or distribute alcoholic liquors within such territory, with certain exceptions; and providing penalties for such offenses." (Approved April 4, 1911.)



## PUBLIC UTILITY ACT

An Act to provide for submitting to the qualified electors of every city and county, or incorporated city or town, in this State, the question whether such city and county, or incorporated city or town, shall retain powers of control vested therein respecting all or any public utilities, and to provide for elections thereafter to surrender such powers of control in case the qualified electors of any such city and county, or incorporated city or town, shall have voted to retain such powers of control. (Approved June 7, 1915.)

Section 1. Any city and county, or incorporated city or town, may retain or surrender to the Railroad Commission of the State of California the powers of control vested therein to supervise and regulate the relationship between any one or more classes of public utilities, and their present or prospective customers, consumers or patrons, and, if it has retained such powers over any class or classes of public utilities, may thereafter surrender such powers to the Railroad Commission of the State of California, hereinafter called the Railroad Commission, all as in this act provided, but this act shall not be construed to authorize any city and county, or incorporated city or town, to surrender to the Railroad Commission, its powers of control to supervise and regulate the relationship between a public utility and the general public in matters affecting the health, convenience and safety of the general public, including matters such as the use and repair of public streets by any public utility, the location of the poles, wires, mains or conduits of any public utility, on, under or above any public streets, and the speed of common carriers operating within the limits of the municipality.

Sec. 2. (a) The term "municipal corporation," as used in this act, shall be construed to mean a city and county, or incorporated city or town. The term "legislative body," as used in this act, shall be construed to mean the Board of Supervisors, Municipal Council, Commission or other legislative or governing body of a municipal corporation.

(b) The term "powers of control," as used in this act, and as used on any ballot prepared and used under the provisions of this act, with reference to public utilities, or to any class or classes of public utilities in any municipality or municipalities, means all powers of control

vested in such municipality or municipalities to supervise and regulate the relationship between such public utilities, or such class or classes of public utilities, and their present or prospective customers, consumers or patrons, but said term shall not be construed to include the powers of control vested in any municipality or municipalities to supervise and regulate the relationship between such public utilities, or such class or classes of public utilities, and the general public in matters affecting the health, convenience and safety of the general public, including matters such as the use and repair of public streets by any public utility, the location of the poles, wires, mains or conduits of any public utility, on, under or above any public streets, and the speed of common carriers operating within the limits of the municipality.

Sec. 3. The terms "railroad corporation," "street railroad corporation," "common carrier," "gas corporation," "electrical corporation," "telephone corporation," "telegraph corporation," "water corporation," "wharfinger," "warehouseman," and "public utility," as used in this act, shall severally have the same meaning as is given to them respectively, in Section 2 of the act known as the "public utilities act."

Sec. 4. The question whether any municipal corporation shall retain its powers of control respecting one or more classes of public utilities may be submitted to the qualified electors of such municipal corporation, as provided in this act, either at a general municipal election or at a special election held therein. Such a question may be so submitted, either in pursuance of an ordinance of intention adopted by a vote of three-fifths of all the members of the legislative body of such municipal corporation, declaring that the public interest requires the submission of, and that it is the intention of such legislative body to submit such question to a vote of the qualified electors of such municipal corporation, or in pursuance of a petition of qualified electors of such municipal corporation, as hereinafter provided. Such ordinance of intention or such petition, as the case may be, shall contain the propositions proposed to be so submitted, as set forth in Section 6 of this act. Such petition shall be signed by qualified electors of such municipal corporation, equal in number to ten per centum of such qualified electors, computed upon the total number of votes cast in such municipal corporation for all candidates for governor at the last preceding general election prior to the filing of such petition at which a Governor was elected. Such petition may consist of separate papers; provided, that if any paper consists of more than one sheet, it shall be securely fastened together at the top. The signatures need

not all be appended to one sheet of paper. Each such paper shall have attached thereto, at the bottom of the last sheet thereof, the affidavit of a qualified elector of such municipal corporation, stating that all of the signatures on each sheet thereof were made in his presence, and that to the best of his knowledge and belief each signature is a genuine signature of the person whose name purports to be thereto subscribed. Such petition shall be filed with the Clerk of the legislative body of such municipal corporation. Within ten days from the date of the filing of such petition, said Clerk shall examine the petition and ascertain from the record of the registration of the electors of the city and county, or of the county in which such municipal corporation is situated, whether the petition is signed by the requisite number of the qualified electors of such municipal corporation; and if requested by said Clerk, the said legislative body of said municipal corporation shall authorize him to employ persons specially to assist him in the work of examining such petition and shall provide for their compensation. Upon the completion of such examination, said Clerk shall forthwith attach to said petition his certificate, properly dated, showing the result of such examination. If from such examination, said Clerk shall find that said petition is signed by the requisite number of qualified electors, he shall certify that the same is sufficient; but if, from such examination, he shall find that said petition is not signed by such requisite number of qualified electors, he shall certify to the number of qualified electors signing such petition and to the number of qualified electors required to make such petition sufficient. If, by the certificate of said Clerk, the petition is shown to be insufficient, it may be amended by filing a supplemental petition within ten days from the date of such certificate. Said Clerk shall, within ten days from the filing of such supplemental petition, make like examination of the same and certify to the result of such examination as hereinbefore provided. If the certificate of the Clerk shall show any such petition, or any such petition together with a supplemental petition, to be insufficient, it shall be retained by him and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect. But if, by the certificate of the Clerk, such petition, or such petition together with a supplemental petition, is shown to be sufficient, the Clerk shall forthwith present the same to the legislative body of such municipal corporation. The sufficiency or insufficiency of such petition shall not be subject to review by such legislative body. After the election held in pursuance of such petition, the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned. In

any city and county having a Board of Election Commissioners and a Registrar of Voters, the clerk of the legislative body thereof shall immediately upon the filing of any petition with him, transmit the same to such Board of Election Commissioners, who shall forthwith deliver such petition to said Registrar of Voters, who shall perform all the duties herein required to be performed in other municipal corporations by the Clerk of the legislative body thereof, respecting the examination and certification of such petition. Such Registrar of Voters shall, upon making his certificate, forthwith return said petition to said Clerk, who shall thereupon present such petition and the certificate thereto attached to the legislative body of such municipal corporation as hereinbefore in this section provided.

Sec. 5. Upon the adoption of such ordinance of intention, or the presentation as aforesaid of such petition, as provided in Section 4 of this act, the legislative body of such municipal corporation shall, by ordinance, order the holding of a special election for the purpose of submitting to the qualified electors of such municipal corporation the propositions set forth in such ordinance of intention or in such petition, as the case may be, or such legislative body shall, by ordinance, order the submission of such propositions at a general municipal election, as hereinafter provided. Such special election shall be held not less than twenty days nor more than sixty days after the adoption of the ordinance of intention provided for in Section 4 of this act, or the presentation of such petition to said legislative body; provided, that if a general municipal election shall occur in said municipal corporation not less than twenty days nor more than sixty days after the adoption of said ordinance of intention or the presentation of said petition to said legislative body, said propositions may be submitted at such general municipal election, in the same manner as other propositions are required by law to be submitted at general municipal elections in such municipal corporation. Every special election held in any municipal corporation under the provisions of this act, shall be called by the legislative body thereof, by ordinance, which shall specify the propositions to be submitted at such election and the date thereof, and, where provision is not otherwise made by law, shall establish the election precincts therefor and designate the polling places therein, and the names of the election officers for each such precinct. Such ordinance shall, prior to such election, be published five times in a daily newspaper printed and published in such municipal corporation, or twice in a weekly newspaper printed and published therein, if there be no such daily newspaper; provided,

that if no such daily or weekly newspaper be printed and published in such municipal corporation, the Clerk of said legislative body shall post a copy of said ordinance in three public places in such municipal corporation at least ten days prior to such election.

Sec. 6. The ballots to be used at any general municipal election or at any special election, at which is submitted the question whether a municipal corporation shall retain its powers of control respecting public utilities shall have printed thereon, in addition to the other matters required by law, such of the following propositions as are specified in the ordinance of intention or the petition:

"Proposition No. 1. Shall.....(name of municipal corporation) retain its powers of control over railroad corporations?"

"Proposition No. 2. Shall.....(name of municipal corporation) retain its powers of control over street railroad corporations?"

"Proposition No. 3. Shall.....(name of municipal corporation) retain its powers of control over common carriers other than railroad and street railroad corporations?"

"Proposition No. 4. Shall.....(name of municipal corporation) retain its powers of control over gas corporations?"

"Proposition No. 5. Shall.....(name of municipal corporation) retain its powers of control over electrical corporations?"

"Proposition No. 6. Shall.....(name of municipal corporation) retain its powers of control over telephone corporations?"

"Proposition No. 7. Shall.....(name of municipal corporation) retain its powers of control over telegraph corporations?"

"Proposition No. 8. Shall.....(name of municipal corporation) retain its powers of control over water corporations?"

"Proposition No. 9. Shall.....(name of municipal corporation) retain its powers of control over wharfingers?"

"Proposition No. 10. Shall.....(name of municipal corporation) retain its powers of control over warehousemen?"

Opposite each such proposition to be voted upon, and to the right thereof, the words "yes" and "no" shall be printed on separate lines, with voting squares. Any voter desiring to vote in favor of the retention of the powers of control of such municipal corporation respecting any

particular class of public utility, shall stamp a cross (X) in the voting square after the printed word "yes" opposite the proposition as to such class, and any voter desiring to vote against the retention of such powers of such municipal corporation respecting any particular class of public utility, shall stamp a cross (X) in the voting square after the printed word "no" opposite such proposition.

Sec. 7. If the propositions specified in Section 6 of this act shall have been submitted at a special election in any municipal corporation, then the legislative body or other body or board charged with the duty of canvassing the returns and declaring the result of elections in such municipal corporation, shall meet at their usual place of meeting on the first Monday after such election to canvass the returns and declare the result thereof. Immediately upon the completion of such canvass, or upon the completion of the canvass of the returns of any general municipal election at which such propositions shall have been submitted, such legislative body or other body or board charged with said duty shall make an order declaring the result of the election upon such propositions and shall cause the same to be entered upon its minutes, which order shall show the total number of votes cast upon each such proposition, and the number of votes cast respectively in favor of and against each such proposition. If it shall appear from the result of such election, as so declared, that a majority of the qualified electors of such municipal corporation voting on any proposition submitted, as provided in Section 5 of this act, shall have voted to retain the powers of control of such municipal corporation respecting any particular class of public utility, such municipal corporation shall be deemed to have elected to retain such powers of control respecting such class of public utility, and such powers shall be exercised by such municipal corporation until the same may be surrendered as hereinafter provided; and if it shall appear from the result of such election, as so declared, that a majority of such qualified electors so voting on any such proposition shall have voted not to retain such powers respecting any class of public utility, such municipal corporation shall be deemed to have elected not to retain such powers of control respecting such class of public utility, and such power of control shall thereafter vest in and be exercised by the Railroad Commission as provided by law. Immediately upon the entry of the order declaring the result of the election as to such proposition, the clerk of the legislative body or the Registrar of Voters of any municipal corporation having a Board of Election Commissioners and a Registrar of Voters, shall

make copies, in duplicate, of such order, and shall attach to each such copy his certificate under the seal, if any, of such municipal corporation, or of such Board of Election Commissioners, certifying that the same is a true and correct copy of such order. Said Clerk or Registrar of Voters, as the case may be, shall forthwith file one of said copies in the office of the Railroad Commission of the State of California and the other in the office of the Secretary of State. Immediately upon the filing of such certified copy of such order in the office of the Railroad Commission, the powers of control theretofore vested in such municipal corporation over any class or classes of public utilities which a majority of the qualified electors of such municipal corporation voting thereon shall have voted not to retain, as shown by such order, shall thereupon vest in and be exercised by the Railroad Commission.

Sec. 8. Any municipal corporation which shall have retained the powers of control vested therein respecting any class or classes of public utilities may thereafter surrender its powers of control as to such class or classes of public utilities at a general municipal election, or at a special election therein called for that purpose. The ballots to be used at such election shall have printed thereon, in addition to the other matters required by law, separate propositions as to each class of public utilities as to which such municipal corporation may retain its powers of control and as to which it may be desired to vote. As to each of such classes of public utilities, and in addition to the other matters required by law to be printed thereon, a proposition shall be printed on the ballot to be used at such election in substantially the following form: "Shall ..... (name of municipal corporation) surrender its powers of control over ..... (here insert class of public utility) to the Railroad Commission?" Opposite each such proposition to be voted upon, and to the right thereof, the words "Yes" and "No" shall be printed on separate lines, with voting squares. Any elector desiring to vote to surrender the powers of control of such municipal corporation over any class of public utility specified on the ballot, shall stamp a cross (X) in the voting square opposite the printed word "Yes," after the proposition as to such class; and any elector desiring to vote not to surrender the powers of control of such municipal corporation over such class of public utility, shall stamp a cross (X) in the voting square opposite the printed word "No" after the proposition as to such class. The provisions of Sections 4, 5 and 7 of this act, in so far as applicable, shall govern elections called, conducted and held under the provisions of this section and to general municipal election at which such propositions shall be

submitted. If it shall appear from the result of such election declared as provided in Section 7 of this act, that a majority of the qualified electors of such municipal corporation voting on any proposition submitted as provided in this section, shall have voted to surrender the powers of control of such municipal corporation respecting any particular class of public utility, such municipal corporation shall be deemed to have surrendered its powers of control as to such class of public utility to the Railroad Commission, and such powers shall thereafter vest in and be exercised by the Railroad Commission, as provided by law, upon the filing, in the office of the Railroad Commission, of a certified copy of the order declaring the result of such election; and if it shall appear from the result of such election, as declared, that a majority of such qualified electors voting on any such proposition shall have voted not to surrender such powers of control respecting any particular class of public utility, such powers of control shall continue in such municipal corporation; provided, however, that such powers of control may thereafter be surrendered by such municipal corporation at any subsequent election at which the question of such surrender may again be submitted under the provisions of this act.

Sec. 9. The holding of a special election or elections, or the submission of propositions at any general municipal election, under any of the provisions of this act, shall not be construed to preclude the holding of a subsequent special election or elections or the subsequent submission of propositions at a general municipal election or elections on the question of the retention or surrender by a municipal corporation of its powers of control respecting any class or classes of public utilities, as in this act provided; provided, that not more than one such special election shall be held within any period of twelve months.

Sec. 10. Except as otherwise in this act provided, the holding and conducting of elections under the provisions of this act, the form of the ballots used, the opening and closing of the polls, the canvass of the returns and the declaring of the result shall conform, as nearly as may be, to such laws as shall now or hereafter be applicable to special municipal elections held in the municipal corporation affected.

Sec. 11. Chapter forty of the laws of the extraordinary session of December, 1911, is hereby repealed.



## VOTING MACHINES.

An Act creating a State Commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act.

Section 1. 1. The Governor, Secretary of State and Attorney-General, and their successors in office are hereby created and constituted the State Commission on voting or ballot machines. It shall be the duty of said Commissioners to examine all voting or ballot machines which may be offered for their inspection in order to determine whether such machines comply with the requirements of this Act, and can safely be used by voters at elections under the provisions of this Act; and no machine or machines shall be provided by the Board of Supervisors, or other Board having charge and control of elections in each of the counties, and cities and counties, cities or towns of the State, unless the said machine or machines shall have received the approval of a majority of said Commission as herein provided.

Voting  
Machine  
Commission

2. Any machine or machines which shall have the approval of a majority of said Commission may be provided for use at elections by the Boards authorized so to do under the provisions of this Act. The report of said Commission on each and every kind of voting or ballot machine shall be filed with the Secretary of State within thirty days after their examination of said machines, and the Secretary of State must within five days after the filing of any report approving any machine or machines, transmit to the Board of Supervisors or other Board having charge and control of elections in each of the counties, cities and counties, cities or towns of the State, a list of the machines so approved.

Report of  
Commission

3. No machine or machines shall be used unless such machine or machines shall have received the approval of the State Commission at least ninety days prior to any election at which such machine or machines are to be used.

Machines must  
receive approval  
of Commission

Expense of  
Commission

4. For carrying out the provisions of this Act the members of the State Commission under this Act shall be allowed their actual necessary expenses.

Board to  
provide for and  
require use of  
machines

Sec. 2. The Board of Supervisors, or other Board having charge and control of elections in each of the counties, and cities and counties, cities or towns of the State, may at any regular meeting, or at any special meeting called for the purpose, provide for and require the use of a voting or ballot machine, or machines, for receiving and registering the vote at any or all elections held in such county, city and county, city or town, respectively, or in any one or more precincts thereof, and every such Board of Supervisors, or other Board having charge and control of elections in each of the counties, and cities and counties, cities or towns of the State, may determine upon and require the use of voting or ballot machines at any and all elections to be held within such county, city and county, city or town of the State, or in any one or more precincts thereof, and thereupon the voting or ballot machine or machines so determined upon and required shall be used in voting for all public officers, or candidates for nomination to public office, to be voted for by the voters of such counties, cities and counties, cities or towns of the State, or in the precinct or precincts thereof for which the same shall have been so determined upon and required, and also in voting upon all amendments to the Constitution, and upon all laws or propositions or questions which may be lawfully submitted to such voters, and for receiving and registering the votes cast at any and every such election. Any such Board so authorized to provide for and require the use of a voting or ballot machine as hereinbefore specified, may, if the machine has been approved as in this Act required, at its option resolve to provide and use only such a voting or ballot machine so constructed and arranged that the voting or ballot machine will not permit of voting a straight party ticket, or for any candidate, by any other method than by turning or pushing the keys separately of each voting space, for each separate candidate voted for. Party nominations may be designated by usual or reasonable abbreviation of party names. (Amended April 21, 1911.)

Joint purchase  
and use of  
machines

Sec. 3. In purchasing the necessary voting or ballot machines to be used at elections, as herein provided, the Boards of Supervisors of the several counties, and the legislative bodies of the incorporated cities and towns therein, may, by agreement, entered into by said Board of Supervisors and the legislative body of any incorporated city or town in such county, provide for the joint purchase and subsequent ownership thereof, and for the care, maintenance and use of the same.

Sec. 4. No voting or ballot machines shall be approved by the said board unless the same be so constructed as to provide facilities for voting for the candidates of as many different parties or organizations as may make nominations for office, and for and against as many different propositions or amendments as may be submitted, nor shall any such machine be approved unless the same will permit a voter to vote for any person for any office; it must enable the voter to vote and select a ticket all from the nominees of one party, or a ticket selected in part from the nominees of one party, and in part from the nominees of any or all other parties, and in part from independent nominations, or in part or in whole of the names of persons not nominated by any party or upon any independent ticket; such machines must also secure to the voter, privacy and secrecy in the act of voting; such machines must also be so constructed that a voter can not vote for a candidate or a proposition or amendment for whom or on which he is not lawfully entitled to vote, also to prevent voting for more than one person for the same office, except in cases where the voter is lawfully entitled to vote for more than one person for the same office, in which event they must enable the voter to vote for as many persons for that office as he is by law entitled to vote, and no more; they must also prevent his voting more than once for the same person for the same office; and allow of his reversing his vote in case of mistake or desire to change; and such machines must be so constructed that all votes cast for any person voted for, or for or against any proposition or amendment submitted to the voters, shall be accurately registered or recorded, and any machine to be approved by said board must be of such kind, style or pattern as will permit the exercise by each voter of the full right and privilege of his elective franchise under the Constitution and laws of this State. All voting machines approved by the State commission shall have a separate voting device for each candidate appearing on the ballot. Such machines may also have thereon a straight ticket device for each of the parties for voting a straight ticket vote for candidates of such party; but if so equipped with separate straight ticket voting devices, such separate straight ticket voting device must be locked out of operation. Machines which have been approved with such straight ticket mechanism thereon may be used in elections with such mechanism rendered inoperative, and machines with such straight ticket mechanism entirely removed therefrom, or machines which omit a party designation of candidates by column or line which have been approved, may be used in such elections, and the omission, removal, or locking out of operation of such straight voting mechanism from

How machines  
shall be  
constructed

the machine that has otherwise been approved by the commission, need not require a further examination and approval of a machine of that type. The ballot at any election, whether general, primary, municipal, or otherwise, shall be arranged upon the voting machine as to the order of offices, order of candidates' names, and in other respects for such election, as required by the law prescribing the form and order of the ballot for such election; provided, however, that blank spaces for the writing in of the names of candidates or delegates or persons to be voted for, whose names are permitted to be written upon a ballot or pasted thereon by adhesive substance, under the law prescribing the form of the ballot, for the election, need not follow in the same order or place or places, upon a voting machine, as is prescribed in the law prescribing the form of ballot for the election, if the said voting machine be so constructed and capable of operation that all persons who by the law prescribing the form of ballot for the election are entitled to be voted for by writing in the name of such person, or pasting thereon the name of such person by adhesive substance, may be voted for by and upon said voting machine, and such votes counted and returned as fully, correctly and effectually as might have been done by the use of the form of ballot prescribed by law for the election, in case no voting machine had been used. The ballot may be placed upon the machine so the columns will extend either vertically or horizontally, if in all other respects save as to the said blank spaces the ticket is in the form and order which would exist if the election were held by ballot and without a voting machine. (Amended April 21, 1911, amended January 22, 1912.)

Purchasing of  
voting machines

Sec. 5. The Board of Supervisors or other Board having charge and control of elections adopting a voting or ballot machine shall, as soon as practicable thereafter, provide for such polling place or places, as they may determine, one or more voting machines in complete working order and also such other accessories as may be required for the practical working of the machine, and shall thereafter preserve and keep the machines in repair, and shall have custody of the furniture and equipment. If it shall be impracticable to supply each and every election precinct with voting or ballot machine or machines at any election following such adoption, as many may be supplied as it is practicable to procure, and the same may be used in such election precincts within the county, or city and county, city or town, as the Board having control may direct. Where the Board having charge and control of elections, is not the Board having control of appropriations of money generally, for the territory, but receives its appropriation from the Board of Super-

visors, or Board having control of appropriations of money generally for the territory; then and in such event the Board of Supervisors or Board having control of appropriations of money generally, for the territory represented by such Board so having charge and control of elections, shall have exclusive power to purchase or otherwise provide voting or ballot machines for use in such territory. The Board of Supervisors or Board having control of the finances of any county, city and county, or political subdivision, shall have power to sell, lease, alter, exchange, or otherwise at its discretion dispose of any voting machine or voting machine appliances owned by such county, or city and county. (Amended April 21, 1911.)

Sec. 6. The County Clerk, Registrar of Voters, or City or Town Clerk, as the case may be, shall not later than twenty-four hours next preceding the election, cause to be delivered to one of the inspectors of election, duly appointed, at his residence, all necessary supplies, stationery, blank forms, poll and tally lists, and instructions to voters, necessary and proper to the conduct of the election and to the counting and canvassing of the votes, and the return thereof, which forms, blanks, lists, and other stationery shall have been previously prepared by the said County Clerk, Registrar of Voters, or city or Town Clerk, as the case may be, in such manner as to be adapted to the conducting and returning of such election by such voting or ballot machines as are used at the election. The supplies previously mentioned to be delivered to such inspector, shall, in addition to all other necessary forms, lists, or blanks, include one card stating the penalty for tampering with or injuring a voting machine; two seals for sealing voting machines; one envelope in which the keys to the voting machine are sealed, said envelope to have printed or written thereon the number and location of the election precinct in which the machine is to be used, the number of the machine, the number shown on the protective counter thereof, after the machine has been prepared for the election, and any designation that may be on such seal as the machine is sealed with. Said envelope to have attached to it a detachable receipt for the delivery of the keys of the voting machine to the Inspector of the election at his residence; one envelope in which the keys to the voting machine can be returned by the Inspectors after the election; one card stating the name and telephone address of the superintendent for the day of election; two diagrams of the voting face of the machine as appears after the ballot label showing the titles of the offices and the names of the candidates, and statement of propositions, together with the voting indicators for each, shall have been in-

Stationery and  
Instructions

serted in the voting machine, and also suitable printed instructions for the guidance of the Board of Election. (Amended April 21, 1911.)

Sec. 7. At least twenty days before any election, other than a special election, at which voting machines are to be used in any political subdivision, the County Clerk, Registrar of Voters or City or Town Clerk, as the case may be, shall designate one or more deputies, to be provided by the board having charge and control of elections, who are competent for the purpose, as voting machine instructors, and shall cause one or more voting machines of the type to be used at the election, to be set up in his office, for the purpose of having such voting machine instructors give instructions to persons applying to serve as election officers at the ensuing election, and shall also publish notice in one or more daily or weekly newspapers, in such political subdivision, if any is there published, stating that instructions will be given at such office, (stating the location thereof) as to the use of voting machines, to all persons otherwise qualified, who shall apply to serve as election officers, at the ensuing election, and requesting qualified persons to attend at such office and apply to serve, and take such instructions. Such notice may also be sent by mail to all such persons as the said County Clerk, Registrar of Voters or City or Town Clerk, may deem likely to take the same. Such voting machine instructors shall give such instructions to those who apply (subject to the control of the clerk or Registrar of Voters, that too great a number from a given precinct need not be instructed) and shall report the result to such clerk or Registrar of Voters, and such clerk or Registrar of Voters, if satisfied with the report, may issue a certificate of competency to such person, and shall enter the name of such person in the proper book, by precincts, with the residence of such person and the date of certificate of competency, and mail such certificate to such person at the address shown by his application or registration. In making up a recommendation of names of persons suitable for election officers, the clerk or Registrar of Voters, shall, where the person is otherwise qualified and able to serve, prefer the persons in each precinct, who have received such a certificate, and the persons thus shown in such recommendation shall be appointed as election officers in the proper precincts, and unless they fail to appear and be sworn or are excused for cause, by the clerk or Registrar of Voters, shall serve as an election officer at the election. (Amended April 21, 1911. Amended June 11, 1913.)

Sec. 8. The precinct Board of Election of each precinct shall meet at the polling place therein, at least one hour before the time set for the opening of the polls at

each election, and shall proceed to arrange within the guard-rail the furniture, stationery, and voting or ballot machine for the conduct of the election. The Inspectors of election shall then and there have the voting or ballot machine, instructions to voters, and stationery required to be delivered to them for such election. The Inspector shall thereupon cause at least two instruction cards to be posted conspicuously within the polling place. They shall see that the model, if such model is furnished, is placed where each voter can conveniently operate it and receive instructions thereon as to the manner of voting before entering the machine. They shall post one diagram inside the polling room and one outside, in places where the voters can conveniently examine them. They shall see that the lantern or other means provided for giving light is in such a condition that the voting machine is sufficiently lighted to enable voters to readily read the names on the ballot labels. They shall see that the ballot labels are in their proper places on the machine. They shall open the counting compartment of the voting machine in the presence of the public and the members of the Board of Election, before the opening of the polls, and inspect the recording dials of such machine, and see that each counter number on each dial for a candidate, is set at zero (000) and make a certificate substantially in the form hereinafter provided. If any counter number upon such dial for any candidate is found not to register zero (000), a statement of the actual register of such counter number, together with the designating number of said dial and letter, shall be made and signed by the Election Board as to every such dial number, so found registered above zero (000). In such event, in each separate case, the number so found above zero (000) upon the dial of any particular candidate, must be deducted from the total vote of such candidate as shown upon that counter number at the close of the polls. The tally sheet shall have plainly printed thereon, so as to occupy an entire page, thereof, a statement and certificate substantially in the following form:

Instruction to  
voters

Model

Diagram

#### NOTICE TO ELECTION OFFICERS.

The Board of Election shall before opening the polls, open the counting compartment of the voting machine in the presence of the public and the members of the Board of Election, and inspect the recording dials of such machine, and see that each counter number on each dial for a candidate, is set at zero (000) and make a certificate substantially in the form below provided. If any counter number upon such dial for any candidate is found not to register zero (000), a statement of the actual register of such counter number, together with the designating

number of such dial, and letter, shall be made and signed by the Election Board as to every such dial number so found registered above zero (000). In such event in each separate case, the number so found above zero (000) upon the dial of any particular candidate, must be deducted from the total vote of such candidate, as shown upon that counter number at the close of the polls.

### CERTIFICATE.

We, the undersigned members of the Election Board of Election Precinct No.....hereby certify that the following statement is a correct statement of all counter number dials, upon the voting machine or machines used at said precinct, which were found to have the counter number upon any dial thereon, register above zero (000), as found by an examination and inspection made by said Election Board at said precinct before the opening of the polls and in the manner provided by law, and that the name of each candidate affected thereby, is hereinbelow respectively and separately stated, together with each such separate dial number and each such separate letter of such respective dial, and the number so registered above zero (000), upon any such respective counter dial, and also the number of votes shown upon any such respective counter dial, at the close of the polls, together with the total vote received by any such candidate so affected, after deducting from such total vote the number so found registered above zero (000) upon the counter number dial of such respective candidate or candidates.

Name	Dial number	Letter	Counter register at opening of polls above zero (000)	Counter register at close of polls	Total vote received

Signed: { .....Inspector  
 .....Inspector  
 .....Judge  
 .....Judge

(Amended April 21, 1911.)

Exterior of  
voting machines

Sec. 9. The exterior of the voting or ballot machine and every part of the polling place shall be in plain view of the election officers and public. The voting or ballot



machines shall be placed at least three feet from every wall and partition of the polling place, and at least three feet from the guard-rail. A guard-rail shall be constructed at least three feet from the machine, with openings to admit electors or officers of election to and from the machine.

Sec. 10. After the opening of the polls, the Inspectors shall not allow any voter to pass within the guard-rail until they ascertain that he is duly entitled to vote. Before each voter enters the voting machine, the Inspectors of Election shall, so far as possible, inform him how to operate the machine, and illustrate same upon the model of the machine, if any be furnished, and call his attention to the diagram. If any voter shall, after entering the voting machine, ask for information regarding its operation, the Inspectors of Election, shall give him such necessary information. The operation of voting by an elector, while voting, shall be secret and obscured from all other persons except as provided in cases of voting by assisted electors. At any election at which the number of officers to be elected plus the number of propositions or amendments to be voted on shall together make a total of fifteen or less, no voter shall remain within the voting or ballot machine booth longer than two minutes, and if he shall refuse to leave it after the lapse of two minutes, he may be removed by the Inspectors. At any election at which the number of officers to be elected plus the number of propositions or amendments to be voted on shall together make a total of more than fifteen, no voter shall remain within the voting or ballot machine booth longer than three minutes, and if he shall refuse to leave it after the lapse of three minutes he may be removed by the Inspectors. The Inspectors of Election shall occasionally examine the face of the machine and the ballot labels to determine if same have been injured or tampered with. No vote cast in the irregular or blank column shall be counted for a person whose name is printed upon the ballot or face of the machine as a candidate for the same office for which he is voted in the irregular or blank column. All voters in the polling place or standing in line entitled to vote, at the hour for closing the polls, must be permitted to vote. (Amended April 21, 1911.)

Voting  
machines shall  
be secret and  
obscured

Sec. 11. As soon as the polls of the election are closed the Inspectors of Election thereat shall immediately lock the voting or ballot machine against voting, and in the presence and full view of the public who may be lawfully within the polling place, proceed to demonstrate and declare the result of such election as registered or recorded or received by the machine, (subject to any legal deductions made under the provisions of Section 8 of this

Demonstrate and  
declare result

Act) in the following manner: One of the Inspectors shall under the scrutiny of the other Inspector, of a different political party, in the order of the offices as their titles are arranged on the machine, commencing with the first party or top column, or commencement of the ticket as arranged announce in distinct tones to the Clerks of Election, the designating number and letter of each counter, and the vote registered thereon, and the Clerks of Election shall correctly record each announcement so made upon separate respective tally sheets provided for that purpose, before another announcement is made by the Inspector. The said Inspector shall then in like manner announce the vote recorded for each office on the irregular ballot, and the election Clerks shall in like manner record the same. The Inspector shall then also in like manner announce the vote on each question or proposition submitted at the election, and the Clerk shall in like manner record the same. The canvass of each office shall be completed before proceeding to the next, and the vote as announced shall be written by the Clerks in ink on the two tally lists provided therefor in the same order. After completing and writing down the canvass, in the manner aforesaid, the Inspectors of Election shall verify the same by comparing the figures on the tally lists with the figures on the counters in the machine, and the names recorded on or in the device for voting for persons not nominated, and also with the result registered on the machine as to the vote upon questions or propositions, and in making such comparison and verification, one of the Inspectors shall again distinctly announce and recall aloud the vote registered upon each counter. The Board of Election shall then certify in the appropriate place on the tally list, as to the number of voters that voted at the election, as shown by the poll lists, and by the number registered on the public counter, and the number registered on the protective counter, and the number or other designating mark on the seal with which the machine has been sealed, together with other information regarding the machine as provided on the tally list. The counter compartment of the voting machine shall remain open until the tally list and all other reports have been fully completed and signed, after which they shall lock the counter compartment and deliver the keys thereof in a sealed envelope to the County Clerk, Registrar of Voters, or City or Town Clerk, as the case may be. (Amended April 21, 1911.)

Recounting of votes  
cast on machines

Sec. 12. The Inspectors of Election shall, as soon as the result is fully ascertained and declared, as in the preceding section required, lock the machine so that the record of each election shall be preserved for a period of six months following such election, except in cases where the

machine is required for use in a subsequent election during such period, in which case the Board of Supervisors or other Board having charge and control of elections shall inspect the registering or recording and receiving device of the machines and file a report of said inspection with the County Clerk or Registrar of Voters. Said report of said Board when so certified and filed shall be prima facie evidence of the vote at such election. Any supplementary or duplicate record of an election, which may be furnished by a machine, shall be preserved by the County Clerk or Registrar of Voters for one year following such election. Whenever either House of the Legislature shall, by resolution, adopted and entered upon its Journal, direct that any standing or special committee of such House shall be empowered to open and examine any voting machine or voting machines which were used at any election held within six months before the passage of such resolution, the committee of such House so empowered and authorized shall have the power and authority by its resolution in writing to order any such machine or machines to be opened, inspected or examined in any manner which such committee shall prescribe. If the opening of such a machine or machines be for the purpose only of counting or recounting the votes cast or registered at said election in a contest pending before such House, then and in such event the opening thereof and such count or recount must be made in the presence of said committee or its sub-committee duly designated by its resolution in writing for such purpose. If the opening of such machine or machines be for any other purpose or for the investigating of the mechanism and manner of operation of a machine or machines, or for determining or reporting upon the mode of its operation, or its nature as a safe mechanical appliance for the receiving and registration of the votes of electors, then the committee must by its resolution in writing specify the person or persons who are to make such mechanical or expert inspection, and the place where and the time when such inspection is to commence, and may, if it deem proper, limit the duration of such inspection, and fix the place where the same is to be made, and state whether the same is to be made in the presence of the said committee, or of its duly appointed sub-committee, or of any other person or persons to be named by said committee. Every person employed or permitted to take part in any such inspection of such a machine or machines, or in whose presence said inspection occurred, may be required to attend and testify as a witness before such committee if required, and be subject to the subpoena of such committee. If such machine or machines be opened under the provisions of this sec-

tion by order of such committee, the said committee, or its sub-committee duly appointed, shall immediately upon opening the doors, or the opening to the dial or place where the votes thereon are registered, which were cast at the last election, take off in writing the complete record of votes for all candidates which are recorded or registered upon or by said machine, and certify the same to be true and correct, with the date of such certificate, and place the same in an envelope, and seal the same in the manner required for sealing election returns, and make an endorsement upon the outside of such envelope stating the number of the machine whose record is enclosed, and forthwith file the same with the County Clerk or Registrar of Voters, of the county, or city and county, where such election was held, who shall receive and keep the same with the other returns of the said election in his office for a period of twelve months from the date of said election, and such record shall in any court having jurisdiction of an election contest be prima facie evidence of its contents in any case where the vote upon such a machine or machines might have been recounted by the Court if such machine or machines had not been previously opened or the result thereof in any manner affected. Immediately upon the conclusion of such investigation, examination and inspection of such machine or machines, the same shall be again securely locked by the Clerk, or Registrar of Voters, or the said committee or its sub-committee, and the keys thereof returned to the officer entitled to possession of the same under the provisions of this Act, and shall not be again opened except in accordance with the provisions of this Act. One voting machine of each kind or pattern may be taken by such committee or upon its order, and upon its receipt therefor, to the City of Sacramento, or the State Capitol, and there kept under the directions of such committee, but no such machine shall be so taken or transported without the consent of the owner thereof, unless the same be the property of a city, county, or city and county, or other political subdivision of the State. If such committee shall permit such a machine or machines to be taken apart, then and in such event the said committee shall cause the same to be restored and properly put together again, before or at the termination of its investigation, and to be returned by order of such committee, and at the expense of the State, to the place from which it was taken. If any such machine or machines be taken to Sacramento, or the State Capitol, under the provisions of this section, and the Legislature shall adjourn sine die, without such machine or machines having been so restored and returned by such committee, then and in such event the Secretary of State shall forthwith, upon

such adjournment, take charge of such machine or machines, and cause the same to be properly restored and returned to the place or places respectively from which the same were taken, and the expense thereof shall be a charge against the State, and a written demand therefor, verified by the Secretary of State, must be allowed by the Controller by his endorsement of allowance thereon, and thereupon, upon presentation, the same shall be paid to the Secretary of State by the State Treasurer out of any funds of the State not otherwise appropriated. Any voting machine used at any election may, within six months from the date of such election, in any election contest, or action in the nature of quo warranto in any Court of this State, having jurisdiction thereof, be opened by order of such Court and in its presence, for the purpose of recounting the vote involved in such election contest, under the same rules and conditions that apply to the opening of packages of sealed ballots and the recounting of the same, and must be forthwith locked again as soon as the result upon each machine is tallied, and in the presence of said Court. (Amended March 19, 1907.)

Sec. 13. The provisions of the law relating to misconduct at elections shall apply to elections with voting or ballot machines.

Misconduct  
of elections

Sec. 14. Where voting machines are used the precincts shall be established or created in the manner provided by sections 1127, 1128, 1129 and 1130 of the Political Code of the State of California. (Amended April 21, 1911. Amended June 11, 1913.)

Creating of  
election  
precincts

Sec. 15. The list of candidates used or to be used on the voting or ballot machine shall be deemed an official ballot under this Act for an election precinct in which a voting or ballot machine is used, pursuant to law. The word "ballot" as used in this Act (except where reference is made to independent ballots) means that portion of the cardboard or paper, or other material within the ballot frames, containing the name of the candidate for office, or a statement of a proposed Constitutional Amendment, or other question or proposition with the word "For" or the word "Against," or "Yes" or "No."

Official ballot

Sec. 16. The provisions of Section 1142 of the Political Code shall apply where voting or ballot machines are used pursuant to this Act, provided however, that at any precinct or polling place where two voting machines are used, two additional Clerks of Election shall be appointed, for service at such polling place, for the election. In any city, or city and county, or county, where voting machines are to be used at any election, or where voting machines are owned, the Board having charge and control of elections may, by a majority of such Board adopt a resolution to be entered in its minutes, provide for a

Election officers

What laws are  
applicable

superintendent as herein provided, and may thereupon select and appoint a superintendent for the care, repair, adjustment, arrangement, testing, and preparation of voting or ballot machines. Such person must be a skilled machinist familiar with the arrangement, adjustment, and mechanism of voting machines, and shall, before his appointment, be examined by the Board having control of elections, as to his competency in these respects. His appointment must also, where made for a territory wholly included within any city, or city and county, be approved by the Mayor of any such city, or city and county, who shall also have the right to examine such person as to his competency. Said superintendent shall be considered a public officer, and shall hold office under such appointment until removed by the Board having charge and control of elections, for cause, and by an order in writing entered in its minutes, after giving such superintendent an opportunity to be heard, which order of removal shall be final and conclusive, and not subject to review. In any city, county, or city and county, which at the last general election therein, had a registration of voters exceeding seventy thousand, the said Board having control of elections may fix the compensation of such superintendent at a sum not to exceed the rate of fifteen hundred dollars per year, payable monthly, and may, by the resolution of appointment, provided such appointment is made by the year, provide that the services of such superintendent shall be given exclusively to said Board while he remains in its employ, or under such appointment. Unless such appointment is made by the year and in the manner last mentioned in such a city, county, or city and county, and in any event in all other cases, and places, such superintendent so appointed pursuant to this Act shall receive a compensation at the rate of ten dollars per day, for every day he shall be actually employed; provided, however, that in any such place where his compensation is fixed by the day under this Act, the Board having control of elections may fix his compensation at a lesser sum when he is employed merely as caretaker of such voting machines. Such superintendent must file his acceptance of the appointment with the Board having charge and control of elections, within five days after notice of his appointment, and before entering upon his duties shall take the oath of office prescribed by the Constitution of this State for public officers, which oath may be taken by and filed with the County Clerk, or Registrar of Voters, and file a bond in a sum to be fixed by the Board having charge and control of elections, and not less than ten thousand (10,000) dollars, in a city and county, conditioned for the faithful performance of the duties of his office, with surety and to be approved and

recorded as may be required for other officers of such city, county, or city and county, and it shall be his duty to care for, keep in repair, arrange, adjust, test, and prepare all voting machines for complete and correct operation at any election in the political subdivision for which he is appointed. All such voting or ballot machines shall be by him or under his direction, arranged, adjusted, and prepared for correct operation at any election in accordance with the provisions of the law of this State, and in accordance with the mechanism and rules for the adjustment and correct operation of such voting machines. The County Clerk, Registrar of Voters, or City or Town Clerk, as the case may be, shall deliver to such superintendent for his guidance, a copy of any written or printed instructions which may be furnished by the person or corporation which manufacture the voting machines in use in such political subdivisions. The Board having charge and control of elections may also select and employ any additional persons, as assistants, to such superintendent, in the performance of his duties, and may fix and allow the compensation to be paid to said assistants. The said superintendent of voting machines shall, not later than the day previous to the day of election, file with the Clerk, or Registrar of Voters, his affidavit specifying the voting machines by number, that have been adjusted for use at such election, and stating that every one of such machines have been so adjusted, that each and every of its counters, which register the votes cast for candidates, are adjusted at zero (000), and that in every other respect, each and every voting machine is adjusted in accordance with the requirements of the law of the State, and according to the mechanism and rules for the adjustment and correct operation of such voting machines. Where any Court, or Justice, or Judge, of any Court, shall make an order or judgment, or otherwise direct any change, alteration or modification, to be made in the ballot labels to be used upon any voting or ballot machine, after the sample ballots have been printed, it shall not be necessary to print or distribute new sample ballots. (Amended April 21, 1911.)

Section 16a. Within not more than thirty-five, nor less than twenty-five days, before the holding of any election in any county, city and county, city or town, at which is to be used voting or ballot machines, under the provisions of this act, the County Clerk, Registrar of Voters, or City or Town Clerk, as the case may be, shall fix a day, which shall not be more than twenty days, nor less than five days, before the date of such election, upon which the voting or ballot machines to be used at such election shall be examined, tested and sealed as hereinafter provided. At least twenty days before an elec-

Machines to be  
examined, tested  
and sealed

tion in any political subdivision where voting machines are to be used in one or more precincts of such subdivision, under and pursuant to the law of this State, it shall be the duty of the County Clerk, Registrar of Voters, or City or Town Clerk, as the case may be, to notify in writing, by mail, with postage prepaid, the Chairman or Secretary of the executive or central committee of any political party or organization for the territory, the membership of which may have made nominations of candidates to be voted for at such election, or of any political party whose party name is lawfully used as a designation by a candidate, that it may appoint representative of such political party who shall be authorized to attend and observe the final adjustment, testing and sealing of such ballot machines, and thereupon it shall be the right of such committee to appoint as many representatives, not to exceed three for each political party or organization, as it may see fit to select for such purpose, and to issue certificates of such appointment to such representatives by the secretaries of such committees or organizations, respectively. Such notice shall also name and specify the date and place where such examination, testing and sealing of such machines will commence, and that the same will continue, if necessary, at said place from day to day until completed. The committee or organization empowered to appoint such representatives, shall immediately upon making such appointment, notify the said representative or representatives so appointed, respectively, of such appointment and of the time and place where such examination, testing and sealing, of such voting or ballot machines will commence, and shall also forthwith, send to the said County Clerk, Registrar of Voters, or City or Town Clerk, as the case may be, the name and full address of each such representative appointed. Thereafter, at the time specified in such notice, and until the completion thereof, the said representative or representatives shall be entitled to attend and observe the final adjustment, testing and sealing of such voting machines, under the directions of the Board of Election Commissioners, or of the superintendent provided for by this Act, and such adjustment, testing and sealing shall proceed in the presence of as many of said representatives as shall assemble to observe and view the same, and a full and complete opportunity shall then and there be given by such superintendent and his assistants, to such representatives to observe the processes by which such adjustment, testing, and sealing, is performed, and to see that the said voting machines are so adjusted that each counter is set at zero (000), and without any vote registered thereon for the advantage of any party or candidate or otherwise. When the said machines are so sealed



they shall not be unsealed again except by the precinct election boards on the day of election, to the extent necessary for the proper and lawful conduct of the election. Any candidate may attend in person or appoint in writing signed by such person, a representative to attend, with all the rights and privileges provided by this section. (Amended April 21, 1911.)

What laws are  
applicable

Sec. 17. All laws and parts of laws of this State relating to elections, and prescribing the powers and duties of election officers, shall, so far as applicable to the use of voting or ballot machines, remain in full force and effect; and all laws and parts of laws inconsistent herewith shall not be applicable in each county, city and county, city or town election precinct wherein such voting or ballot machines are used, pursuant to this Act, so long as such voting or ballot machine or machines shall be used therein, and nothing in this Act contained shall be construed as repealing any existing law or authorizing any deviation or omission therefrom, except as provided for or set forth herein.

Violation  
Penalty

Sec. 18. Any willful violation of any provision of this Act or any willful injury to any voting or ballot machine tending to injure its effectiveness or to change the true expression given by the voters at any election shall be a felony and punishable as such, in accordance with the provisions of the Penal Code of the State. (Approved March 21, 1903.)

## PURITY OF ELECTION LAWS.

(Approved March 19, 1907.)

Itemized  
statement to be  
filed by  
candidate

Avoiding illegal  
payments by other  
persons

Statement of  
committee—where  
filed

Vouchers

Duty of  
committee

Section 1. Every candidate who is voted for at any public election held within the State shall, within fifteen days after the day of holding such election, file, as herein-after provided, an itemized statement, showing in detail all moneys paid, loaned, contributed, or otherwise furnished to him, or for his use, directly or indirectly, in aid of his election, and all money contributed, loaned, or expended by him, directly or indirectly by himself or through any other person, in aid of his election. Such statement shall give the names of the various persons who paid, loaned, contributed, or otherwise furnished such moneys in aid of his election, and the names of the various persons to whom such moneys were contributed, loaned or paid, the specific nature of each item, the service performed, and by whom performed, and the purpose for which the money was expended, contributed or loaned. If the candidate seeks to avoid the responsibility of any illegal payment made by any other person in his behalf, he shall set out such illegal payment and disclaim responsibility therefor. Candidates for office to be filled by the electors of the State, or of any political division thereof greater than a county, and for members of the Senate and Assembly, Representative in Congress, or members of the State Board of Equalization, or State Board of Railroad Commissioners, shall file their statements in the office of the Secretary of State. Candidates for all other offices shall file their statements in the office of the clerk of the county wherein the election is held, and within which the duties of the office for which the candidate is voted for are to be exercised. The statement of a committee or candidate shall be recorded in the office of the County Recorder, and shall, after being filed, become a public record, and open at all times to public inspection and no fee or charge whatsoever shall be collected or made by any officer herein specified for filing or recording any statement required to be filed or recorded under the provisions of this act. Vouchers must be filed for all expenditures, except in the case of sums under five dollars. (Amended June 6, 1913.)

Sec. 2. Every committee organized for the purpose, or charged with the duty of conducting the election campaign of any political party, or of any candidate or candidates, shall appoint a treasurer, who shall receive and

disburse all moneys contributed for such campaign purposes, and keep a true account thereof, and shall, in the same manner as herein required of candidates, file an itemized statement of all money received or disbursed by him as such treasurer.

Sec. 3. No sum of money shall be paid and no expense incurred by or on behalf of any candidate or campaign committee as defined in section two of this Act, or any body of superior authority, to which such committee is subject, if any, whether before, during, or after an election, on account of or in respect of the conduct or management of such election, except for the expenses of holding and conducting public meetings for the discussion of public questions, and of printing and circulating specimen ballots, handbills, cards, and other papers previous to such election, and of advertising and of postage, expressage, telegraphing, and telephoning, and of supervising the registration of voters, and watching the polling or counting of votes cast at such election, and of salaries of persons employed in transacting business at office or headquarters and necessary expenses of maintaining the same, and for rent of rooms necessary for the transaction of the business of candidates or committee, or superior authority to which such committee is subject, if any, and for necessary incidental expenses, which shall not exceed the sum of one hundred dollars if expended by a candidate, or one thousand dollars, if expended by a committee; and no sum shall be paid and no expense shall be incurred, directly or indirectly, by or on behalf of a candidate, whether before, during, or after an election, on account of or in respect of the conduct and management of an election at which he is a candidate, in excess of the maximum amount following, that is to say: If the term of the office for which the person is a candidate be for one year or less, five per centum of the amount of one year's salary of the office; if the term be for more than one year, and not more than two years, ten per centum of the amount of one year's salary of the office; if the term be for more than two years, and not more than three years, fifteen per centum of the amount of one year's salary of the office, if the term be for more than three years and not more than four years, twenty per centum of the amount of one year's salary of the office; if the term be for more than four years, ten per centum of the amount of one year's salary of the office; if the office be one for which, in lieu of a salary, there is allowed per diem, for a statutory period, or for the number of day's actually engaged in the performance of public duties, twenty-five per centum of the amount to accrue for the statutory period; if the office be one for which in lieu of a salary, a yearly sum is allowed the officer for all the

What are  
legitimate expenses

Amount that can be  
expended by  
candidate

expenses of his office, the expenditures of the candidate for such office shall not exceed the amount of ten per centum of the allowance for such office for one year; if the office be one for which no salary or compensation is allowed, except fees, or a salary not exceeding nine hundred dollars per annum and fees, the expenditures of the candidate for such office shall not exceed the amount of one hundred and fifty dollars; if the office be one for which no salary or compensation is allowed, or for which a per diem is allowed for the days actually employed in the performance of a public duty, the expenditures of the candidate for such office shall not exceed one hundred dollars; if the candidate is also at the same time a candidate for an unexpired term, he shall not pay or expend any sum on account of such unexpired term, but the maximum amount to be expended by such candidate shall be as herein above provided.

When claims must be presented

Sec. 4. Every claim payable by a committee as defined in section two of this Act on account of or in respect of any expense incurred in the conduct and management of an election held within this State, or on behalf of the candidates of the political party, organized assemblage, or body which such committee represents, must be presented to the committee within ten days after the return day of the election, and if not so presented, the same shall not be paid, and no action shall be commenced or maintained thereon, and all expenses incurred as aforesaid shall be paid within fifteen days after the completion of such official canvass, and not otherwise. Every claim in respect of any expenses incurred by or on behalf of a candidate at an election held within this State on account of or in respect of the conduct or management of such election shall be presented to such candidate within ten days after the day of election, and if not so presented, the same shall not be paid, and no action shall be instituted or maintained thereon; and all such expenses incurred as aforesaid must be paid within twelve days after the day of election, and not otherwise. Any person who makes a payment in contravention of this section, except where such payment is allowed, as provided by this Act, is guilty of a misdemeanor.

Non-presentation within prescribed time

Claims presented after time limit

Sec. 5. The Superior Court of the county in which such statement is filed or is required to be filed, may, on the application of either the committee or candidate, or a creditor of either allow any claim, not in excess of the maximum amount allowed by this Act, to be presented and paid after the time limited by this Act; and a statement of any sum so paid, with a certificate of its allowance, shall forthwith, after payment, be filed by the committee or candidate in the same office as the original statement of the committee or candidate. If the candi-

date or committee, upon such application, shall show to the satisfaction of said court that any error or false recital in such statement, or that the failure to make such statement or to present, within the designated time, a claim otherwise just and proper, has been occasioned by the absence or illness of such candidate, or by the absence, illness or death of one or more members of such committee, or by the misconduct of any person other than such applicant, or by inadvertence or excusable neglect, or of any reasonable cause of a like manner, and not by reason of any want of good faith on the part of the applicant, the court may, after such notice of the application as the court shall require, and on the production of such evidence of the facts stated in the application as shall be satisfactory to such court, by order, allow such statement to be filed, or such error or false recital therein to be corrected, or such claims to be paid, as to the court seems just; and such order shall relieve the applicant from any liability or consequences under this Act in respect of the matters excused by the order. If the application is made by a creditor, the court may, under like conditions and upon a like showing, order the claim to be paid, and the creditor shall also be entitled to his costs. The claims of one or more creditors may be united in such application, but the amount and specific nature of each claim must be fully stated.

Application may be made by creditor

Sec. 6. No payment of any money shall be made by a committee or candidate for the rent of any premises to be used as a committee room or headquarters, or for holding a meeting, or for the purpose of promoting the election of a candidate, or on account of, or in respect to the conduct or management of, an election, where intoxicating liquors are sold for consumption on the premises, or where intoxicating liquor is supplied to members of any club, society, or association; provided, that nothing in this section shall apply to any part of such premises which is ordinarily let for the purposes of offices, or for holding public meetings, if such part has a separate entrance and no direct communication with any part of the premises on which any intoxicating liquor or refreshment is sold or supplied as aforesaid.

Rooms must not be rented where intoxicating liquors are sold

Sec. 7. Every bill, placard, poster, pamphlet or other printed matter having reference to an election, or to any candidate, shall bear upon the face thereof the name and address of the printer and publisher thereof, and no payment therefor shall be made or allowed unless such address is so printed.

Name of printer

Sec. 8. An Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing

Act of 1893 repealed

for the punishment thereof," approved February 23, 1893, and all other Acts and parts of Acts inconsistent with this Act are hereby repealed; provided, that no provision of this Act shall be construed so as to repeal any provision of Title IV of Part I of the Penal Code, entitled "Of crimes against the elective franchise."

Sec. 9. Any person offending against any of the provisions of this Act shall be guilty of a misdemeanor, and be dealt with as provided in the Penal Code.

Who is competent  
witness

Sec. 10. A person offending against any provisions of this Act is a competent witness against another person so offending, and may be compelled to attend and testify upon any trial, hearing, proceeding, or lawful investigation or judicial proceeding, in the same manner as any other person. If such person demands that he be excused from testifying on the ground that his testimony may incriminate himself, he shall not be excused, but in that case the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying, except for perjury in giving such testimony, and he shall not thereafter be liable to indictment or presentment by information, nor to prosecution or punishment for the offense with reference to which his testimony was given. No person shall be exempt from indictment, presentment by information, prosecution or punishment for the offense with reference to which he may have testified as aforesaid when such person so testifying does so voluntarily or when such person so testifying fails to ask to be excused from testifying on the ground that his testimony may incriminate himself, but in all such cases the testimony so given may be used in any prosecution or proceeding, civil or criminal, against the person so testifying. Any person shall be deemed to have asked to be excused from testifying under this section unless, before any testimony is given by such a witness, the judge, foreman or other person presiding at such trial, hearing, proceeding or investigation, shall distinctly read this section to such witness, and the form of the objection by the witness shall be immaterial if he in substance makes objection that his testimony may incriminate himself, and he shall not be obliged to object to each question, but one objection shall be sufficient to protect such witness from prosecution for any offense concerning which he may testify upon such trial, hearing, proceeding or investigation.

**An Act to protect candidates for certain public offices, to prohibit certain acts by such candidates, and to provide a punishment for infractions of this law.**

[Approved March 2, 1897.]

### CANDIDATES NOT TO BE SOLICITED.

Section 1. It shall be unlawful for any person, either indirectly or as an officer or member of any committee or association, to demand or solicit of any candidate for the Legislature, or of any candidate for Supervisor, or of any candidate for School Director, or of any candidate for any legislative body, that he shall vote for any particular bill or specific measure which may come before any such legislative body to which he may be elected; provided always, that this inhibition shall not in any case apply to the pledges exacted of a candidate by the platform or resolutions of any convention by which any such candidate may be nominated.

### NOT TO SIGN PLEDGES.

Sec. 2. It shall be unlawful for any candidates for the Legislature, or for any candidate for Supervisor, or for any candidate for School Director, or for any candidate for any other legislative body, to sign or give any pledge that he will vote for any particular bill or specific measure that may be brought before any such legislative body; provided always, that this prohibition shall not apply to any pledge or promise that any such candidate may give to a convention by which he may be nominated for any such office, or to those who may sign a certificate for his nomination.

### PENALTY.

Sec. 3. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor, and any candidate violating any provision of this Act, shall, in addition, be disqualified from holding the office to which he may be elected.

## LEGISLATIVE COUNCIL BUREAU

**An Act to Establish a Legislative Council Bureau. (Approved May 26, 1915. Amended April 12, 1915.)**

Sec. 2. It shall be the duty of the chief of the legislative counsel bureau, and the work of that bureau, to prepare and assist in the preparation, amendment and consideration of legislative bills when requested or upon suggestion as herein provided. He shall devote his whole time and attention to forwarding the work of the bureau, and it shall be his duty to make such study as said bureau may direct of the laws of this State and other States as may better enable the bureau to do its work, and advise as occasion may arise as to needed revision of the statutes. It shall also be the duty of the chief of the legislative counsel bureau, whenever in his judgment there is reasonable probability that an initiative measure will be submitted to the voters of the State of California under the laws of the State relating to the submission of measures by initiative, to co-operate with the proponents of said measure in the preparation of said law when requested in writing so to do by twenty-five or more electors proposing such a measure.

**An act prohibiting employers of labor from interfering with the political activities of their employees and providing penalties for a violation hereof.**

[Approved April 10, 1915.]

Section 1. It shall be unlawful for any employer of labor to make, adopt or enforce any rule, regulation or policy forbidding or preventing his employees, or any of them, from engaging or participating in politics or from becoming candidates or a candidate for public office, or controlling or directing, or tending to control or direct the political activities or affiliations of such employees or any of them; or to coerce or influence or attempt to coerce or influence such employees or any of them through or by means of threat of discharge or loss of employment to adopt or follow or refrain from adopting or following any particular course or line of political action or political activity. The expression "employer of labor" as herein used shall be deemed to mean and include any person, firm or corporation regularly having in his or its employ twenty or more employees.



Sec. 2. Any employer violating the provisions of this act shall upon conviction thereof, if an individual, be punishable by imprisonment in the county jail for not to exceed one year or by a fine of not to exceed one thousand dollars or by both such fine and imprisonment, and, if a corporation, by a fine of not to exceed five thousand dollars. In all prosecutions hereunder the person, firm or corporation violating this act, shall be held responsible for the acts of his or its managers, officers, agents and employees.

Sec. 3. Nothing herein contained shall be construed to prevent the injured employee from recovering damages from his employer for injury suffered through a violation of this act.

# PENAL CODE.

## Title IV. Of Crimes Against the Elective Franchise.

### ACTING AS ELECTION OFFICER.

Acting as  
election officer  
without being  
qualified is a  
felony

Sec. 40. Any person who acts as an election officer at any election, without first having been appointed and qualified as such, and any person who, not being an election officer, performs or discharges any of the duties of an election officer, in regard to the handling or counting or canvassing of any ballots cast at any election, shall be guilty of a felony, and on conviction be punished by imprisonment in the State Prison for not less than two nor more than seven years. (In effect March 26, 1895.)

### VIOLATION OF THE LAW.

Violation of  
election laws  
by certain  
officers a felony

Sec. 41. Every person charged with the performance of any duty, under the provision of any law of this State relating to elections, who willfully neglects or refuses to perform it, or who, in his official capacity, knowingly and fraudulently acts in contravention or violation of any of the provisions of such laws, is, unless a different punishment for such acts or omissions is prescribed by this Code, punishable by fine not exceeding one thousand dollars, or by imprisonment in the State Prison not exceeding five years, or by both.

### FRAUDULENT REGISTRATION.

Illegal  
registrations

Sec. 42. Every person who wilfully causes, procures, or allows himself to be registered in any register of electors required by law to be made or kept, knowing himself not to be entitled to such registration, is punishable by imprisonment in the State Prison for not less than one nor more than three years. (Amended March 3, 1905.)

Sec. 42a. Every person who willfully causes, procures, or allows any other person to be registered in any register of electors required by law to be made or kept, knowing him not to be entitled to such registration, is punishable by imprisonment in the State Prison for not less than one nor more than three years. (Amended March 3, 1905.)

### REFUSAL TO BE SWORN.

Refusing to be  
sworn or to  
answer Board  
of Judges

Sec. 43. Every person who, after being required by the Board of Judges at any election, refuses to be sworn, or, being sworn, refuses to answer any pertinent question, propounded by such Board, touching the right of another to vote, is guilty of a misdemeanor.

## REFUSAL TO OBEY SUMMONS.

Sec. 44. Every person summoned to appear and testify before any Board of Registration, who willfully disobeys such summons, is guilty of a misdemeanor.

Refusal to obey  
summons of  
Board

## VOTING WITHOUT BEING QUALIFIED.

Sec. 45. Every person not entitled to vote who fraudulently votes, and every person who votes more than once at any one election, or knowingly hands in two or more tickets, folded together, or changes any ballot after the same has been deposited in the ballot-box, or adds, or attempts to add, any ballot to those legally polled at any election, by fraudulently introducing the same into the ballot-box, either before or after the ballots therein have been counted; or adds to, or mixes with, or attempts to add to or mix with, the ballots lawfully polled other ballots, while the same are being counted or canvassed, or at any other time, with intent to change the result of such election; or carries away or destroys, or attempts to carry away or destroy, any poll lists, or ballots, or ballot-box, for the purpose of breaking up or invalidating such election, or willfully detains, mutilates, or destroys any election returns, or in any manner so interferes with the officers holding such election or conducting such canvass, or with the voters lawfully exercising their rights of voting at such election, as to prevent such election or canvass from being fairly held and lawfully conducted, is guilty of a felony. (Amended March 3, 1905.)

Fraudulent  
voting

## ATTEMPTING TO VOTE WITHOUT BEING QUALIFIED.

Sec. 46. Every person not entitled to vote, who fraudulently attempts to vote, or who, being entitled to vote, attempts to vote more than once at any election, or who personates or attempts to personate, a person legally entitled to vote, is punishable by imprisonment in the State Prison for not less than one nor more than two years. (Amended March 3, 1905.)

Fraudulent  
attempts to vote

## PROCURING ILLEGAL VOTING.

Sec. 47. Every person who procures, assists, counsels, or advises another to give or offer his vote at any election, knowing that the person is not qualified to vote, or who aids or abets in the commission of any of the offenses mentioned in the preceding section, is punishable by imprisonment in the State Prison not exceeding two years. (Amended March 3, 1905.)

Procuring  
illegal voting

## CHANGING BALLOTS OR ALTERING RETURNS.

Changing ballots  
or altering  
returns by  
election officers

Sec. 48. Every officer or clerk of election who aids in changing or destroying any poll list, or in placing any ballots in the ballot-box, or taking any therefrom; or adds, or attempts to add, any ballots to those legally polled at such election, either by fraudulently introducing the same into the ballot-box before or after the ballots therein have been counted; or adds to or mixes with, or attempts to add to or mix with, the ballots polled any other ballots, while the same are being counted or canvassed, or at any other time, with intent to change the result of such election, or allows another to do so, when in his power to prevent it; or carries away or destroys, or knowingly allows another to carry away or destroy, any poll list, ballot-box, or ballots lawfully polled, is punishable by imprisonment in the State Prison for not less than two nor more than seven years.

## INSPECTORS UNFOLDING OR MARKING TICKETS.

Inspectors  
unfolding or  
marking tickets

Sec. 49. Every Inspector, Judge, or Clerk of an election who, previously to putting the ballot of an elector in the ballot-box, attempts to find out any name on such ballot, or who opens or suffers the folded ballot of any elector which has been handed in, to be opened or examined previously to putting the same into the ballot-box, or who makes or places any mark or device on any folded ballot with a view to ascertain the name of any person for whom the elector has voted, or who, without the consent of the elector, discloses the name of any person which such Inspector, Judge or Clerk has fraudulently or illegally discovered to have been voted for by such elector, is punishable by a fine of not less than \$50 nor more than \$500, or by imprisonment in the County Jail for not less than thirty days nor more than six months, or by both such fine and imprisonment. (Amended March 3, 1905.)

Qualification of  
election officers

Sec. 49a. Any person acting as a member of any Election Board, or as a Clerk upon such Board, who cannot read and write the English language, or any person who refuses to act upon such Board, or as a Clerk thereof, after proper notification of his appointment, who is otherwise eligible, unless good and sufficient cause for such refusal is shown to the Election Board or Board of Supervisors, is guilty of a misdemeanor, and is subject to a fine of five hundred dollars, and upon failure to pay such fine, must be imprisoned in the County Jail of the county for the period of one day for each two dollars of such fine. (Amended March 3, 1905.)

### FORGING OR ALTERING RETURNS.

Sec. 50. Every person who forges or counterfeits returns of an election purporting to have been held at a precinct, town or ward where no election was in fact held, or wilfully substitutes forged or counterfeit returns of election in the place of true returns for a precinct, town, or ward where an election was actually held, is punishable by imprisonment in the State Prison for a term not less than two nor more than seven years. (Amended March 3, 1905.)

Forging or  
altering returns

### Felony to Sign Fictitious Name to Initiative, Referendum or Recall Petitions.

Sec. 50a. Every person who subscribes to any initiative, referendum or recall petition or to any nominating petition a fictitious name, or who subscribes thereto the name of another, is guilty of a felony and punishable by imprisonment in the State Prison for not less than one nor more than fourteen years. (Approved April 12, 1915.)

### ADDING TO OR SUBTRACTING FROM VOTES GIVEN.

Sec. 51. Every person who wilfully adds to, or subtracts from, the votes actually cast at an election, in any official or unofficial returns, or who alters such returns, is punishable by imprisonment in the State Prison for not less than one nor more than five years. (Amended March 3, 1905.)

Adding to or  
subtracting  
from votes

### PERSONS AIDING OR ABETTING, OR CONCEALING.

Sec. 52. Every person who aids or abets in the commission of any of the offenses mentioned in the four preceding sections, is punishable by imprisonment in the County Jail for a period of six months, or in the State Prison not exceeding two years.

Persons aiding  
or abetting

### INTIMIDATING, CORRUPTING, DECEIVING OR DEFRAUDING ELECTORS.

Sec. 53. Every person who, by force, threats, menaces, bribery, or any corrupt means, either directly or indirectly, attempts to influence any elector in giving his vote, or to deter him from giving the same; or attempts by any means whatever to awe, restrain, hinder, or disturb any elector in the exercise of the right of suffrage; or furnishes any elector wishing to vote, who cannot read, with a ticket, informing or giving such elector to understand that it contains a name written or printed thereon different from the name which is written or printed thereon; or defrauds any elector at any such elec-

Intimidating  
voters

tion by deceiving and causing such elector to vote for a different person for any office than he intended or desired to vote for; or who, being Inspector, Judge, or Clerk of any election, while acting as such, induces or attempts to induce any elector, either by menace or reward, or promise thereof, to vote differently from what such elector intended or desired to vote, is guilty of felony.

### FURNISHING MONEY FOR ELECTIONS.

Sec. 54. Every person who, with intent to promote the election of himself or any other person, either—

1. Furnishes entertainment at his expense to any meeting of electors previous to or during an election;

2. Pays for, procures, or engages to pay for any such entertainment;

3. Furnishes or engages to pay or deliver any money or property, for the purpose of procuring the attendance of voters at the polls, or for the purpose of compensating any person for procuring attendance of voters at the polls, except for the conveyance of voters who are sick or infirm;

4. Furnishes or engages to pay or deliver any money or property for any purpose intended to promote the election of any candidate, except for the expenses of holding and conducting public meetings for the discussion of public questions, and of printing and circulating ballots, handbills, and other papers, previous to such election—is guilty of a misdemeanor.

Sec. 54a. It is unlawful for any person, directly, by himself, or through any other person:

1. To receive, agree, or contract for, before or during an election, any money, gift, loan, or other valuable consideration, office place or employment, for himself or any other person, for voting or agreeing to vote, or for coming or agreeing to come to the polls, or for refraining or agreeing to refrain from voting, or for voting or agreeing to vote, or refraining or agreeing to refrain from voting, for any particular person or persons at any election;

2. To receive any money, or other valuable thing, during or after an election, on account of himself or any other person having voted, or refrained from voting, for any particular person or persons at such election, or on account of himself or any other person having come to the polls or remained away from the polls at such election, or on account of having induced any other person to vote or refrain from voting, or to vote or refrain from voting for any particular person or persons, or to come to or remain away from the polls at such election;

3. To receive any money or other valuable thing, before, during or after election, on account of himself or any other person having voted to secure the election or indorsement of any other person as the nominee or candidate of any convention, organized assemblage of delegates, or other body representing, or claiming to represent, a political party or principle, or any club, society, or association, or on account of himself or any other person having aided in securing the selection or indorsement of any other person as a nominee or candidate as aforesaid.

Every person who commits any of the offenses mentioned in this section is punishable by imprisonment in the State Prison for not less than one nor more than seven years. (Amended March 3, 1905.)

Penalty

Sec. 54b. It is unlawful for any person, directly or indirectly, by himself or through any other person:

1. To pay, lend, or contribute, or offer or promise to pay, lend, or contribute, any money or other valuable consideration to or for any voter, or to or for any other person, to induce such voter to vote or refrain from voting at any election, or to induce any voter to vote or refrain from voting at such election for any particular person or persons, or to induce such voter to come to the polls or remain away from the polls at such election, or on account of such voter having voted or refrained from voting, or having voted or refrained from voting for any particular person, or having come to the polls or remained away from the polls at such election;

2. To give, offer, or promise any office, place, or employment, or to promise to procure, or endeavor to procure, any office, place or employment to or for any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting at any election, or to induce any voter to vote or refrain from voting at such election for any particular person or persons.

3. To make any gift, loan, promise, offer, procurement, or agreement, as aforesaid, to, for, or with any person, in order to induce such person to procure, or endeavor to procure, the election of any person, or the vote of any voter at any election;

4. To procure, engage, promise, or endeavor to procure, in consequence of any such gift, loan, offer, promise, procurement, or agreement, the election of any person, or the vote of any voter at such election;

5. To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that the same, or any part thereof, shall be used in bribery at any election; or to knowingly pay, or cause to be paid, any money or other valuable thing to any person in discharge or repayment of any

money, wholly or in part, expended in bribery at any election;

6. To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that the same, or any part thereof, shall be used for boarding, lodging or maintaining a person at any place or domicile in any election precinct, ward, or district, with intent to secure the vote of such person, or to induce such person to vote for any particular person or persons at any election;

7. To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that the same, or any part thereof, shall be used to aid or assist any person to evade arrest, who is charged with the commission of a crime against the elective franchise, for which, if the person were convicted, the punishment would be imprisonment in the State Prison;

8. To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, in consideration of being selected or indorsed as the candidate of any convention, organized assemblage of delegates, or other body, representing, or claiming to represent, a political party or principle, or any club, society, or association, for a public office, or in consideration of the selection or indorsement of any other person as a candidate for a public office, or in consideration of any member of a convention, club, society, or association, having voted to select or indorse any person as a candidate for a public office, except that a candidate for nomination to a public office may contribute such proportion of the cost and expense of holding a primary election as is authorized by the Political Code of this State, and no more;

9. To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, in consideration of a person withdrawing as a candidate for a public office.

Every person who commits any of the offenses mentioned in this section is punishable by imprisonment in the State Prison for not less than one year nor more than seven years. (Amended March 3, 1905.)

## OFFERS TO PROCURE OFFICES FOR ELECTORS.

Sec. 55. Every person, who, being a candidate at any election, offers or agrees to appoint or procure the appointment of any particular person to office, as an inducement or consideration to any person to vote for, or procure or aid in procuring the election of such candidate, is guilty of a misdemeanor.



Sec. 55a. Any person, either individually or as an officer or member of any committee or association, who solicits or demands of any candidate for the Legislature, Supervisor, School Director, or for any legislative body, that he shall vote for or against any particular bill or measure, which may come before such body to which he may be elected, and any candidate for any of such offices who signs or gives any pledge that he will vote for or against any particular bill or measure that may be brought before any such body, is guilty of a misdemeanor; and any candidate convicted under the provisions of this section is, in addition, disqualified from holding the office to which he may have been elected. The provisions of this section do not apply to any pledge or promise that any such candidate may give to a convention by which he may be nominated for any such office, or to those who sign a certificate for his nomination. (Amended March 3, 1905.)

#### COMMUNICATING SUCH OFFER.

Sec. 56. Every person, not being a candidate, who communicates any offer, made in violation of the last section, to any person, with intent to induce him to vote for, or to procure or aid in procuring the election of the candidate making the offer, is guilty of a misdemeanor.

Communicating  
such offer

#### BRIBING OR OFFERING TO BRIBE MEMBERS OF LEGISLATIVE CAUCUSES.

Sec. 57. Every person who gives or offers a bribe to any officer, or member of any legislative caucus, political convention, committee, primary election, or political gathering of any kind, held for the purpose of nominating candidates for offices of honor, trust, or profit, in this State, with intent to influence the person to whom such bribe is given or offered to be more favorable to one candidate than another, and every person, member of either of the bodies in this section mentioned, who receives or offers to receive any such bribe, is punishable by imprisonment in the State Prison not less than one nor more than seven years.

Bribing members  
of Legislature,  
caucuses, etc.

Sec. 57a. Every Officer or Clerk of Election who aids in changing or destroying any poll list or official ballot, or in wrongfully placing any ballots in the ballot-box, or in taking any therefrom, or adds, or attempts to add, any ballots to those legally polled at such election, either by fraudulently introducing the same into the ballot-box, before or after the ballots therein have been counted, or adds to or mixes with, or attempts to add to or mix with, the ballots polled, any other ballots, while the same are being counted or canvassed, or at any other time, with

Changing poll  
lists

intent to change the result of such election, or allows another to do so, when in his power to prevent it, or carries away or destroys, or knowingly allows another to carry away or destroy, any poll list, ballot-box, or ballots lawfully polled, is punishable by imprisonment in the State Prison for not less than two years nor more than seven years. (Amended March 3, 1905.)

### PREVENTING PUBLIC MEETINGS.

Preventing  
public meetings

Sec. 58. Every person who, by threats, intimidations, or unlawful violence, willfully hinders or prevents electors from assembling in public meeting for the consideration of public questions, is guilty of a misdemeanor.

### DISTURBANCE AT PUBLIC MEETINGS.

Pay envelopes

Handbills

Sec. 59. It is unlawful for any person, directly or indirectly, by himself or any other person in his behalf, to make use of, or threaten to make use of, any force, violence or restraint, or to inflict or threaten the infliction, by himself or through any other person, of any injury, damage, harm or loss, or in any manner to practice intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting at any election, or to vote or refrain from voting for any particular person or persons at any election, or on account of such person or persons at any election, or on account of such person having voted or refrained from voting at any election. And it is unlawful for any person, by abduction, duress, or any forcible or fraudulent device or contrivance whatever, to impede, prevent, or otherwise interfere with the free exercise of the elective franchise by any voter; or to compel, induce, or prevail upon any voter either to give or refrain from giving his vote at any election or to give or refrain from giving his vote for any particular person or persons at any election. It is not lawful for any employer, in paying his employees the salary or wages due them, to inclose their pay in "pay envelopes" upon which there is written or printed the name of any candidate, or any political mottoes, devices, or arguments containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employees. Nor is it lawful for any employer, within ninety days of any election, to put up or otherwise exhibit in his factory, workshop, or other establishment or place where his workmen or employees may be working, any handbill or placard containing any threat, notice, or information, that in case any particular ticket of a political party, or organization, or candidate shall be elected, work in his place or establishment will cease, in whole or in part, or his place or establishment be closed up, or the salaries or wages

of his workmen or employees be reduced, or other threats, express or implied, intended or calculated to influence the political opinions or actions of his workmen or employees. This section applies to corporations as well as individuals, and any person or corporation violating the provisions of this section is guilty of a misdemeanor, and any corporation violating this section shall forfeit its charter. (Amended March 3, 1905.)

### BETTING ON ELECTIONS.

Sec. 60. Every person who makes, offers, or accepts any bet or wager upon the result of any election, or upon the success or failure of any person or candidate, or upon the number of votes to be cast, either in the aggregate or for any particular candidate, or upon the vote to be cast by any person, is guilty of a misdemeanor.

Betting on  
elections

### WILLFUL VIOLATIONS OF ELECTION LAWS BY PERSONS NOT OFFICERS.

Sec. 61. Every person who wilfully violates any of the provisions of the laws of this State relating to elections is, unless a different punishment for such violation is prescribed by this Code, punishable by a fine not exceeding one thousand dollars or by imprisonment in the State Prison not exceeding five years, or by both.

Violation of  
election laws by  
persons not  
officers

Sec. 62. Every person who prints any ticket not in conformity with the provisions of chapter eight of title two of part three of the Political Code, or who circulates or gives to another any ticket, knowing at the time that such ticket does not conform to the provisions of chapter eight of title two of part three of the Political Code, is guilty of a misdemeanor. (Amended March 3, 1905.)

### ANONYMOUS CIRCULARS.

Sec. 62a. Every person who intentionally writes, prints, posts, or distributes, or causes to be written, printed, posted or distributed, any circular, pamphlet, letter, or poster which is designed or intended to injure or defeat any candidate for nomination or election to any public office by reflecting upon his personal character or political action, unless there appears upon such circular, pamphlet, letter, or poster, in a conspicuous place, either the name of the chairman and secretary or the names of two officers at least of the political or other organization issuing the same, or the name and residence, with the street and number thereof, if any, of some voter of this State, and responsible therefor, shall be guilty of a misdemeanor.

Circulars must  
be signed

## Penalty

Sec. 62b. Every person who prints any circular, pamphlet, letter or poster of the kind or character mentioned in section sixty-two of this Code, without adding thereto his name, showing the printing office at which the same was printed, is guilty of a misdemeanor. (In effect March 15, 1901.)

### ADVANCING, GIVING, OR LOANING MONEY OR PROPERTY.

Advancing  
money, etc.

Sec. 63. Every candidate for United States Senator at an approaching session of the Legislature, and every person acting for or on behalf of any such candidate for Senator in the Congress of the United States at an approaching session of the Legislature, who shall advance or give or loan, or promise to advance or give or loan, any money or property to any candidate for the Legislature, before or after his nomination, or before or after his election, under an express or implied promise that such candidate for the Legislature (whether nominated or not, or before or after his election) will support or vote for such candidate for Senator in the Congress of the United States at an approaching session of the Legislature, shall be deemed guilty of a felony. The advancing, giving, or loaning of money or property, or the promise to advance, give or loan money or property to any candidate for the Legislature, by any candidate for Senator as aforesaid, or by any person for him, or on his behalf, as aforesaid, shall be deemed prima facie proof of an express or implied agreement that such candidate for the Legislature will, if elected to the Legislature, vote for such candidate for Senator in Congress. (In effect May 9, 1899.)

Person who sells,  
gives away liquor, etc.,  
during election  
day is guilty  
of misdemeanor.

Sec. 63b. Every person keeping a public house, saloon, or drinking place, whether licensed or unlicensed, who sells, gives away, or furnishes spirituous or malt liquors, wine, or any other intoxicant, on any part of any day set apart for any general or special election, in any election district or precinct in any county of the State where an election is in progress, during the hours when by law the polls are required to be kept open, is guilty of a misdemeanor. (Amended March 3, 1905.)

### RECEIVING MONEY OR PROPERTY.

Receiving money  
or property by  
members elect of  
Legislature

Sec. 63½. Every person being a member-elect of the Legislature, and every person being a candidate for the Legislature, and every person being a candidate for the nomination for the Legislature, who shall accept any money or property from any candidate for Senator in the Congress of the United States before the Legislature at an approaching session thereof, or from any other person

acting for or on behalf of any such candidate for Senator in the Congress of the United States at an approaching session of the Legislature, under an express or implied promise that such member-elect of the Legislature, or such candidate for the Legislature, or candidate for nomination for the Legislature, will, if elected, as a member of the Legislature, support or vote for any such candidate for Senator in the Congress of the United States for that office, shall be deemed guilty of a felony. The receipt of money or property by any member-elect of the Legislature, and by any candidate for the Legislature, and by any candidate for nomination for the Legislature, from any candidate before the Legislature for Senator in Congress at an approaching session of the Legislature as aforesaid, or from any person acting for or on behalf of any such candidate for Senator in Congress as aforesaid, shall be prima facie proof of an expressed or implied agreement that such member-elect of the Legislature will vote for such candidate for Senator as aforesaid, and that such candidate, or candidate for nomination for the Legislature, will, if elected, vote for such candidate for Senator as aforesaid. (In effect May 9, 1899.)

#### NO PROSECUTION AGAINST WITNESSES TESTIFYING IN ELECTION CASES.

Sec. 64. No person otherwise competent as a witness, shall be disqualified or excused from testifying concerning any of the offenses enumerated and prescribed in this title, on the ground that such testimony may criminate himself; but no prosecution can afterwards be had against such witness for any such offense concerning which he testified for the prosecution.

Witnesses in  
election cases

Sec. 64½. All the provisions of sections forty to sixty-four of this Code, both inclusive, shall apply with like force and effect to elections, known and designated as primary elections, held and conducted under official supervision pursuant to law and to registration therefor, as to other elections, whether the word "primary" be used in connection with the word "election" or "elections" used in said sections or not.

Primary  
elections

#### Misrepresentation or Fraud in Initiative, Referendum or Recall Petitions and Prescribing a Penalty Therefor.

Sec. 64b. 1. It shall be unlawful for any person circulating, as principal or agent, or having charge or control of the circulation of, or obtaining signatures to, any petition authorized or provided for by the Constitution or laws of the State of California regulating the initiative,

referendum or recall to misrepresent or make any false statement concerning the contents, purport or effect of any such petition to any person who signs, or who desires to sign, or who is requested to sign, or who makes inquiries with reference to any such petition, or to whom any such petition is presented for his or her signature.

2. It shall be unlawful for any person to wilfully or knowingly circulate, publish or exhibit any false statement or misrepresentation concerning the contents, purport or effect of any petition mentioned in this section for the purpose of obtaining any signature to any such petition or for the purpose of persuading any person to sign any such petition.

3. It shall be unlawful for any person to file in the office of the Clerk or other officer provided by law to receive such filing, any petition mentioned in this section to which is attached, appended or subscribed any signature which the person so filing such petition knows to be false or fraudulent or not the genuine signature of the person purporting to sign such petition or whose name is attached, appended or subscribed thereto.

4. It shall be unlawful for any person to circulate, or cause to be circulated, any petition mentioned in this section, knowing the same to contain false, forged or fictitious names.

5. It shall be unlawful for any person to make any false affidavit concerning any petition mentioned in this section or the signatures appended thereto.

6. It shall be unlawful for any public official or employee knowingly to make any false return, certification or affidavit, concerning any petition mentioned in this section, or the signatures appended thereto.

7. It shall be unlawful for any person to knowingly sign his own name more than once to any petition mentioned in this act, or to sign his name to any such petition knowing himself at the time of such signing not to be qualified to sign the same.

8. Any person, either as principal or agent, violating any of the provisions of this section is punishable by imprisonment in the State Prison, or in a county jail, not exceeding two years, or by fine not exceeding five thousand dollars, or by both. (Approved April 12, 1915.)

# NATURALIZATION LAWS.

Act of June 29, 1906, as amended March 4, 1909, and as amended in Sections 4 and 13 by the Act of Congress Approved June 25, 1910.

An Act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States.

[34 Stat. L., Part 1, p. 596.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the designation of the Bureau of Immigration in the Department of Commerce and Labor is hereby changed to the "Bureau of Immigration and Naturalization," which said Bureau, under the direction and control of the Secretary of Commerce and Labor, in addition to the duties now provided by law, shall have charge of all matters concerning the naturalization of aliens. That it shall be the duty of the said Bureau to provide, for use at the various immigration stations throughout the United States, books of record, wherein the commissioners of immigration shall cause a registry to be made in the case of each alien arriving in the United States from and after the passage of this Act of the name, age, occupation, personal description, (including height, complexion, color of hair and eyes), the place of birth, the last residence, the intended place of residence in the United States, and the date of arrival of said alien, and, if entered through a port, the name of the vessel in which he comes. And it shall be the duty of said commissioners of immigration to cause to be granted to such alien a certificate of such registry, with the particulars thereof.

Sec. 2. That the Secretary of Commerce and Labor shall provide the said Bureau with such additional furnished offices within the city of Washington, such books of record and facilities, and such additional assistants, clerks, stenographers, typewriters, and other employees as may be necessary for the proper discharge of the duties imposed by this Act upon such Bureau, fixing the compensation of such additional employees until July first, nineteen hundred and seven, within the appropriations made for that purpose.

Sec. 3. That exclusive jurisdiction to naturalize aliens as citizens of the United States is hereby conferred upon the following specified courts:

United States circuit and district courts now existing, or which may hereafter be established by Congress in any State, United States district courts for the Territories of Arizona, New Mexico, Oklahoma, Hawaii, and Alaska, the supreme court of the District of Columbia, and the United States courts for the Indian Territory; also all courts of record in any State or Territory now existing, or which may hereafter be created, having a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited.

That the naturalization jurisdiction of all courts herein specified, State, Territorial, and Federal, shall extend only to aliens resident within the respective judicial districts of such courts.

The courts herein specified shall, upon the requisition of the clerks of such courts, be furnished from time to time by the Bureau of Immigration and Naturalization with such blank forms as may be required in the naturalization of aliens, and all certificates of naturalization shall be consecutively numbered and printed on safety paper furnished by said Bureau.

Sec. 4. That an alien may be admitted to become a citizen of the United States in the following manner and not otherwise:

First. He shall declare on oath before the clerk of any court authorized by this Act to naturalize aliens, or his authorized deputy, in the district in which such alien resides, two years at least prior to his admission, and after he has reached the age of eighteen years, that it is bona fide his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly, by name, to the prince, potentate, state, or sovereignty of which the alien may be at the time a citizen or subject. And such declaration shall set forth the name, age, occupation, personal description, place of birth, last foreign residence and allegiance, the date of arrival, the name of the vessel, if any in which he came to the United States, and the present place of residence in the United States of said alien: Provided, however, That no alien who, in conformity with the law in force at the date of his declaration, has declared his intention to become a citizen of the United States shall be required to renew such declaration: Provided further, That any person belonging to the class of persons authorized and qualified under existing law to become a citizen of the United States who has resided constantly in the United States during a period of five years next preceding May first, nineteen hundred and ten, who, because of misin-



formation in regard to his citizenship or the requirements of the law governing the naturalization of citizens has labored and acted under the impression that he was or could become a citizen of the United States and has in good faith exercised the rights or duties of a citizen or intended citizen of the United States because of such wrongful information and belief may, upon making a showing of such facts satisfactory to a court having jurisdiction to issue papers of naturalization to an alien, and the court in its judgment believes that such person has been for a period of more than five years entitled upon proper proceedings to be naturalized as a citizen of the United States, receive from the said court a final certificate of naturalization, and said court may issue such certificate without requiring proof of former declaration by or on the part of such person of their intention to become a citizen of the United States, but such applicant for naturalization shall comply in all other respects with the law relative to the issuance of final papers of naturalization to aliens.<sup>a</sup>

Second. Not less than two years nor more than seven years after he has made such declaration of intention he shall make and file, in duplicate, a petition in writing, signed by the applicant in his own handwriting and duly verified, in which petition such applicant shall state his full name, his place of residence (by street and number, if possible), his occupation, and, if possible, the date and place of his birth; the place from which he emigrated, and the date and place of his arrival in the United States, and, if he entered through a port, the name of the vessel on which he arrived; the time when and the place and name of the court where he declared his intention to become a citizen of the United States; if he is married he shall state the name of his wife and, if possible, the country of her nativity and her place of residence at the time of filing his petition; and if he has children, the name, date, and place of birth and place of residence of each child living at the time of the filing of his petition: Provided, That if he has filed his declaration before the passage of this Act he shall not be required to sign the petition in his own handwriting.

The petition shall set forth that he is not a disbeliever in or opposed to organized government, or a member of or affiliated with any organization or body of persons teaching disbelief in or opposed to organized government, a polygamist or believer in the practice of polygamy, and that it is his intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate,

<sup>a</sup> Last proviso added by act of June 25, 1910

state, or sovereignty, and particularly by name to the prince, potentate, state, or sovereignty of which he at the time of filing of his petition may be a citizen or subject, and that it is his intention to reside permanently within the United States, and whether or not he has been denied admission as a citizen of the United States, and, if denied, the ground or grounds of such denial, the court or courts in which such decision was rendered, and that the cause for such denial has since been cured or removed, and every fact material to his naturalization and required to be proved upon the final hearing of his application.

The petition shall also be verified by the affidavits of at least two credible witnesses, who are citizens of the United States, and who shall state in their affidavits that they have personally known the applicant to be a resident of the United States for a period of at least five years continuously, and of the State, Territory, or district in which the application is made for a period of at least one year immediately preceding the date of the filing of his petition, and that they each have personal knowledge that the petitioner is a person of good moral character, and that he is in every way qualified, in their opinion, to be admitted as a citizen of the United States.

At the time of filing his petition there shall be filed with the clerk of the court a certificate from the Department of Commerce and Labor, if the petitioner arrives in the United States after the passage of this Act, stating the date, place, and manner of his arrival in the United States, and the declaration of intention of such petitioner, which certificate and declaration shall be attached to and made a part of said petition.

Third. He shall, before he is admitted to citizenship, declare on oath in open court that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state, or sovereignty of which he was before a citizen or subject; that he will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same.

Fourth. It shall be made to appear to the satisfaction of the court admitting any alien to citizenship that immediately preceding the date of his application he has resided continuously within the United States five years at least, and within the State or Territory where such court is at the time held one year at least, and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order

and happiness of the same. In addition to the oath of the applicant, the testimony of at least two witnesses, citizens of the United States, as to the facts of residence, moral character, and attachment to the principles of the Constitution shall be required, and the name, place of residence, and occupation of each witness shall be set forth in the record.

Fifth. In case the alien applying to be admitted to citizenship has borne any hereditary title, or has been of any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application is made, and his renunciation shall be recorded in the court.

Sixth. When any alien who has declared his intention to become a citizen of the United States dies before he is actually naturalized the widow and minor children of such alien may, by complying with the other provisions of this Act, be naturalized without making any declaration of intention.

Sec. 5. That the clerk of the court shall, immediately after filing the petition, give notice thereof by posting in a public and conspicuous place in his office, or in the building in which his office is situated, under an appropriate heading, the name, nativity, and residence of the alien, the date and place of his arrival in the United States, and the date, as nearly as may be, for the final hearing of his petition, and the names of the witnesses whom the applicant expects to summon in his behalf; and the clerk shall, if the applicant requests it, issue a subpoena for the witnesses so named by the said applicant to appear upon the day set for the final hearing, but in case such witnesses can not be produced upon the final hearing other witnesses may be summoned.

Sec. 6. That petitions for naturalization may be made and filed during term time or vacation of the court and shall be docketed the same day as filed, but final action thereon shall be had only on stated days, to be fixed by rule of the court, and in no case shall final action be had upon a petition until at least ninety days have elapsed after filing and posting the notice of such petition: Provided, That no person shall be naturalized nor shall any certificate of naturalization be issued by any court within thirty days preceding the holding of any general election within its territorial jurisdiction. It shall be lawful, at the time and as a part of the naturalization of any alien, for the court, in its discretion, upon the petition of such alien, to make a decree changing the name of said alien, and his certificate of naturalization shall be issued to him in accordance therewith.

Sec. 7. That no person who disbelieves in or who is opposed to organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States, or of any other organized government, because of his or their official character, or who is a polygamist, shall be naturalized or be made a citizen of the United States.

Sec. 8. That no alien shall hereafter be naturalized or admitted as a citizen of the United States who can not speak the English language: Provided, That this requirement shall not apply to aliens who are physically unable to comply therewith, if they are otherwise qualified to become citizens of the United States: And provided further, That the requirements of this section shall not apply to any alien who has prior to the passage of this Act declared his intention to become a citizen of the United States in conformity with the law in force at the date of making such declaration: Provided further, That the requirements of Section 8 shall not apply to aliens who shall hereafter declare their intention to become citizens and who shall make homestead entries upon the public lands of the United States and comply in all respects with the laws providing for homestead entries on such lands.

Sec. 9. That every final hearing upon such petition shall be had in open court before a judge or judges thereof, and every final order which may be made upon such petition shall be under the hand of the court and entered in full upon a record kept for that purpose, and upon such final hearing of such petition the applicant and witnesses shall be examined under oath before the court and in the presence of the court.

Sec. 10. That in case the petitioner has not resided in the State, Territory, or district for a period of five years continuously and immediately preceding the filing of his petition he may establish by two witnesses, both in his petition and at the hearing, the time of his residence within the State, provided that it has been for more than one year, and the remaining portion of his five years' residence within the United States required by law to be established may be proved by the depositions of two or more witnesses who are citizens of the United States, upon notice to the Bureau of Immigration and Naturalization and the United States attorney for the district in which said witnesses may reside.

Sec. 11. That the United States shall have the right to appear before any court or courts exercising jurisdiction in naturalization proceedings for the purpose of cross-examining the petitioner and the witnesses produced in support of his petition concerning any matter touching or in any way affecting his right to admission to citizenship, and shall have the right to call witnesses, produce evidence, and be heard in opposition to the granting of any petition in naturalization proceedings.

Sec. 12. That it is hereby made the duty of the clerk of each and every court exercising jurisdiction in naturalization matters under the provisions of this Act to keep and file a duplicate of each declaration of intention made before him and to send to the Bureau of Immigration and Naturalization at Washington, within thirty days after the issuance of a certificate of citizenship, a duplicate of such certificate, and to make and keep on file in his office a stub for each certificate so issued by him, whereon shall be entered a memorandum of all the essential facts set forth in such certificate. It shall also be the duty of the clerk of each of said courts to report to the said Bureau, within thirty days after the final hearing and decision of the court, the name of each and every alien who shall be denied naturalization, and to furnish to said Bureau duplicates of all petitions within thirty days after the filing of the same, and certified copies of such other proceedings and orders instituted in or issued out of said court affecting or relating to the naturalization of aliens as may be required from time to time by the said Bureau.

In case any such clerk or officer acting under his direction shall refuse or neglect to comply with any of the foregoing provisions he shall forfeit and pay to the United States the sum of twenty-five dollars in each and every case in which such violation or omission occurs, and the amount of such forfeiture may be recovered by the United States in an action of debt against such clerk.

Clerks of courts having and exercising jurisdiction in naturalization matters shall be responsible for all blank certificates of citizenship received by them from time to time from the Bureau of Immigration and Naturalization, and shall account for the same to the said Bureau whenever required so to do by such Bureau. No certificate of citizenship received by any such clerk which may be defaced or injured in such manner as to prevent its use as herein provided shall in any case be destroyed, but such certificate shall be returned to the said Bureau; and in case any such clerk shall fail to return or properly account for any certificate furnished by the said Bureau, as herein provided, he shall be liable to the United States

in the sum of fifty dollars, to be recovered in an action of debt, for each and every certificate not properly accounted for or returned.

Sec. 13.<sup>a</sup> That the clerk of each and every court exercising jurisdiction in naturalization cases shall charge, collect, and account for the following fees in each proceeding:

For receiving and filing a declaration of intention and issuing a duplicate thereof, one dollar.

For making, filing, and docketing the petition of an alien for admission as a citizen of the United States and for the final hearing thereon, two dollars; and for entering the final order and the issuance of the certificate of citizenship thereunder, if granted, two dollars.

The clerk of any court collecting such fees is hereby authorized to retain one-half of the fees collected by him in such naturalization proceeding; the remaining one-half of the naturalization fees in each case collected by such clerks, respectively, shall be accounted for in their quarterly accounts, which they are hereby required to render the Bureau of Immigration and Naturalization, and paid over to such Bureau within thirty days from the close of each quarter in each and every fiscal year, and the moneys so received shall be paid over to the disbursing clerk of the Department of Commerce and Labor, who shall thereupon deposit them in the Treasury of the United States, rendering an account therefor quarterly to the Auditor for the State and other Departments, and the said disbursing clerk shall be held responsible under his bond for said fees so received.

In addition to the fees herein required, the petitioner shall, upon the filing of his petition to become a citizen of the United States, deposit with and pay to the clerk of the court a sum of money sufficient to cover the expenses of subpoenaing and paying the legal fees of any witnesses for whom he may request a subpoena, and upon the final discharge of such witnesses they shall receive, if they demand the same from the clerk, the customary and usual witness fees from the moneys which the petitioner shall have paid to such clerk for such purpose, and the residue, if any, shall be returned by the clerk to the petitioner: Provided, That the clerks of courts exercising jurisdiction in naturalization proceedings shall be permitted to retain one-half of the fees in any fiscal year up to the sum of three thousand dollars, and that all fees received by such clerks in naturalization proceedings in excess of such amount shall be accounted for and paid over to said Bureau as in case of other fees to which the United States may be entitled under the provisions of this Act. The

<sup>a</sup> Section 13 as amended by act of June 25, 1910.

clerks of the various courts exercising jurisdiction in naturalization proceedings shall pay all additional clerical force that may be required in performing the duties imposed by this Act upon the clerks of courts from fees received by such clerks in naturalization proceedings.

And in case the clerk of any court exercising naturalization jurisdiction collects fees in excess of the sum of six thousand dollars in any fiscal year the Secretary of Commerce and Labor may allow salaries, for naturalization purposes only, to pay for clerical assistance, to be selected and employed by that clerk, additional to the clerical force, for which clerks of courts are required by this section to pay from fees received by such clerks in naturalization proceedings, if in the opinion of said Secretary the naturalization business of such clerk warrants further additional assistance: Provided, That in no event shall the whole amount allowed the clerk of a court and his assistants exceed the one-half of the gross receipts of the office of said clerk from naturalization fees during such fiscal year: Provided further, That when, at the close of any fiscal year, the business of such clerk of court indicates in the opinion of the Secretary of Commerce and Labor that the naturalization fees for the succeeding fiscal year will exceed six thousand dollars the Secretary of Commerce and Labor may authorize the continuance of the allowance of salaries for the additional clerical assistance herein provided for and employed on the last day of the fiscal year until such time as the remittances indicate in the opinion of said Secretary that the fees for the then current fiscal year will not be sufficient to allow the additional clerical assistance authorized by this Act.

That payment for the additional clerical assistance herein authorized shall be in the manner and under such regulations as the Secretary of Commerce and Labor may prescribe.

Sec. 14. That the declarations of intention and the petitions for naturalization shall be bound in chronological order in separate volumes, indexed, consecutively numbered, and made part of the records of the court. Each certificate of naturalization issued shall bear upon its face, in a place prepared therefor, the volume number and page number of the petition whereon such certificate was issued, and the volume number and page number of the stub of such certificate.

Sec. 15. That it shall be the duty of the United States district attorneys for the respective districts, upon affidavit showing good cause therefor, to institute proceedings in any court having jurisdiction to naturalize aliens in the judicial district in which the naturalized citizen may reside at the time of bringing the suit, for the pur-

pose of setting aside and canceling the certificate of citizenship on the ground of fraud or on the ground that such certificate of citizenship was illegally procured. In any such proceedings the party holding the certificate of citizenship alleged to have been fraudulently or illegally procured shall have sixty days personal notice in which to make answer to the petition of the United States; and if the holder of such certificate be absent from the United States or from the district in which he last had his residence, such notice shall be given by publication in the manner provided for the service of summons by publication or upon absentees by the laws of the State or the place where such suit is brought.

If any alien who shall have secured a certificate of citizenship under the provisions of this Act shall, within five years after the issuance of such certificate, return to the country of his nativity, or go to any other foreign country, and take permanent residence therein, it shall be considered *prima facie* evidence of a lack of intention on the part of such alien to become a permanent citizen of the United States at the time of filing his application for citizenship, and, in the absence of countervailing evidence, it shall be sufficient in the proper proceeding to authorize the cancellation of his certificate of citizenship as fraudulent, and the diplomatic and consular officers of the United States in foreign countries shall from time to time, through the Department of State, furnish the Department of Justice with the names of those within their respective jurisdictions who have such certificates of citizenship and who have taken permanent residence in the country of their nativity, or in any other foreign country, and such statements, duly certified, shall be admissible in evidence in all courts in proceedings to cancel certificates of citizenship.

Whenever any certificate of citizenship shall be set aside or canceled, as herein provided, the court in which such judgment or decree is rendered shall make an order canceling such certificate of citizenship and shall send a certified copy of such order to the Bureau of Immigration and Naturalization; and in case such certificate was not originally issued by the court making such order it shall direct the clerk of the court to transmit a copy of such order and judgment to the court out of which such certificate of citizenship shall have been originally issued. And it shall thereupon be the duty of the clerk of the court receiving such certified copy of the order and judgment of the court to enter the same of record and to cancel such original certificate of citizenship upon the records and to notify the Bureau of Immigration and Naturalization of such cancellation.



The provisions of this section shall apply not only to certificates of citizenship issued under the provisions of this Act, but to all certificates of citizenship which may have been issued heretofore by any court exercising jurisdiction in naturalization proceedings under prior laws.

Sec. 18. That it is hereby made a felony for any clerk or other person to issue or be a party to the issuance of a certificate of citizenship contrary to the provisions of this Act, except upon a final order under the hand of a court having jurisdiction to make such order, and upon conviction thereof such clerk or other person shall be punished by imprisonment for not more than five years and by a fine of not more than five thousand dollars, in the discretion of the court.

Sec. 20. That any clerk or other officer of a court having power under this Act to naturalize aliens, who wilfully neglects to render true accounts of moneys received by him for naturalization proceedings or who wilfully neglects to pay over any balance of such moneys due to the United States within thirty days after said payment shall become due and demand therefor has been made and refused, shall be deemed guilty of embezzlement of the public moneys, and shall be punishable by imprisonment for not more than five years, or by a fine of not more than five thousand dollars, or both.

Sec. 21. That it shall be unlawful for any clerk of any court or his authorized deputy or assistant exercising jurisdiction in naturalization proceedings to demand, charge, collect, or receive any other additional fees or moneys in naturalization proceedings save the fees and moneys herein specified; and a violation of any of the provisions of this section or any part thereof is hereby declared to be a misdemeanor, and shall be punished by imprisonment for not more than two years, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment.

Sec. 22. That the clerk of any court exercising jurisdiction in naturalization proceedings, or any person acting under authority of this Act, who shall knowingly certify that a petitioner, affiant, or witness named in an affidavit, petition, or certificate of citizenship, or other paper or writing required to be executed under the provisions of this Act, personally appeared before him and was sworn thereto, or acknowledged the execution thereof or signed the same, when in fact such petitioner, affiant, or witness did not personally appear before him, or was not sworn thereto, or did not execute the same, or did not acknowledge the execution thereof, shall be

punished by a fine not exceeding five thousand dollars, or by imprisonment not to exceed five years.

Sec. 23. That any person who knowingly procures naturalization in violation of the provisions of this Act shall be fined not more than five thousand dollars, or shall be imprisoned not more than five years, or both, and upon conviction the court in which such conviction is had shall thereupon adjudge and declare the final order admitting such person to citizenship void. Jurisdiction is hereby conferred on the courts having jurisdiction of the trial of such offense to make such adjudication. Any person who knowingly aids, advises, or encourages any person not entitled thereto to apply for or to secure naturalization, or to file the preliminary papers declaring an intent to become a citizen of the United States, or who in any naturalization proceeding knowingly procures or gives false testimony as to any material fact, or who knowingly makes an affidavit false as to any material fact required to be proved in such proceeding, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both.

Sec. 24. That no person shall be prosecuted, tried, or punished for any crime arising under the provisions of this Act unless the indictment is found or the information is filed within five years next after the commission of such crime.

Sec. 25. That for the purpose of the prosecution of all crimes and offenses against the naturalization laws of the United States which may have been committed prior to the date when this Act shall go into effect, the existing naturalization laws shall remain in full force and effect.

Sec. 26. That Sections 2165, 2167, 2168, 2173 of the Revised Statutes of the United States of America, and Section 39 of Chapter 1012 of the Statutes at Large of the United States of America for the year 1903, and all Acts or parts of Acts inconsistent with or repugnant to the provisions of this Act are hereby repealed.

Sec. 27. That substantially the following forms shall be used in the proceedings to which they relate:

#### DECLARATION OF INTENTION.

(Invalid for all purposes seven years after the date hereof.)

....., ss:

I,....., aged.....years, occupation....., do declare on oath (affirm) that my personal description is: Color....., complexion....., height....., weight....., color of hair....., color of eyes....., other visible distinctive marks.....; I was born in.....on

the.....day of....., anno Domini.....; I now reside at.....; I emigrated to the United States of America from.....on the vessel.....; my last foreign residence was..... It is my bona fide intention to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to....., of which I am now a citizen (subject); I arrived at the (port) of....., in the State (Territory or District) of .....on or about the .....day of .....anno Domini .....; I am not an anarchist; I am not a polygamist nor a believer in the practice of polygamy; and it is my intention in good faith to become a citizen of the United States of America and to permanently reside therein. So help me God.

(Original signature of declarant).....

Subscribed and sworn to (affirmed) before me this.... day of ....., anno Domini.....

[L. S.]

.....,  
(Official character of attestor.)

## PETITION FOR NATURALIZATION.

.....Court of.....

In the matter of the petition of.....to be admitted as a citizen of the United States of America.

To the.....Court:

The petition of.....respectfully shows:

First. My full name is.....

Second. My place of residence is number..... street, city of....., State (Territory or District) of.....

Third. My occupation is.....

Fourth. I was born on the.....day of .....at.....

Fifth. I emigrated to the United States from....., on or about the.....day of....., anno Domini....., and arrived at the port of....., in the United States, on the vessel.....

Sixth. I declared my intention to become a citizen of the United States on the.....day of.....at....., in the.....court of.....

Seventh. I am....married. My wife's name is..... She was born in.....and now resides at..... I have.....children, and the name, date, and place of birth and place of residence of each of said children is as follows:.....; .....; .....

Eighth. I am not a disbeliever in or opposed to organized government or a member of or affiliated with any organization or body of persons teaching disbelief in organized government. I am not a polygamist nor a believer in the practice of polygamy. I am attached to the principles of the Constitution of the United States,

and it is my intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to....., of which at this time I am a citizen (or subject), and it is my intention to reside permanently in the United States.

Ninth. I am able to speak the English language.

Tenth. I have resided continuously in the United States of America for a term of five years at least immediately preceding the date of this petition, to wit, since ....., anno Domini....., and in the State (Territory or District) of.....for one year at least next preceding the date of this petition, to wit, since.....day of....., anno Domini.....

Eleventh. I have not heretofore made petition for citizenship to any court. (I made petition for citizenship to the.....court of....., at....., and the said petition was denied by the said court for the following reasons, and causes, to-wit.....and the cause of such denial has since been cured or removed.)

Attached hereto and made a part of this petition are my declaration of intention to become a citizen of the United States and the certificate from the Department of Commerce and Labor required by law. Wherefore your petitioner prays that he may be admitted a citizen of the United States of America.

Dated.....

(Signature of petitioner).....

....., ss:

....., being duly sworn, deposes and says that he is the petitioner in the above-entitled proceeding; that he has read the foregoing petition and knows the contents thereof; that the same is true of his own knowledge, except as to matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

Subscribed and sworn to before me this.....day of ....., Anno Domini.....

[L. S].

....., Clerk of the.....Court.

### AFFIDAVIT OF WITNESS.

.....Court of.....

In the matter of the petition of.....to be admitted a citizen of the United States of America.

....., ss:

....., occupation....., residing at....., and ....., occupation....., residing at....., each being severally, duly, and respectively sworn, deposes and says that he is a citizen of the United States of America; that

he has personally known....., the petitioner above mentioned, to be a resident of the United States for a period of at least five years continuously immediately preceding the date of filing his petition, and of the State (Territory or District) in which the above-entitled application is made for a period of.....years immediately preceding the date of filing his petition; and that he has personal knowledge that the said petitioner is a person of good moral character, attached to the principles of the Constitution of the United States, and that he is in every way qualified, in his opinion, to be admitted as a citizen of the United States.

Subscribed and sworn to before me this.....day of  
....., nineteen hundred and.....

[L. S.] .....  
(Official character of attestor.)

#### CERTIFICATE OF NATURALIZATION.

Number.....

Petition, volume....., page.....

Stub, volume....., page.....

(Signature of holder) .....

Description of holder: Age, .....; height, .....; color, .....; complexion, .....; color of eyes, .....; color of hair, .....; visible distinguishing marks, .....; Name, age, and place of residence of wife, ....., ..... Names, ages, and places of residence of minor children, ....., .....; ....., .....; ....., ..... ss:

Be it remembered, that at a.....term of the..... court of....., held at..... on the.....day of....., in the year of our Lord nineteen hundred and....., ....., who previous to his (her) naturalization was a citizen (or subject) of....., at present residing at number.....street, .....city (or town),.....State (Territory or District), having applied to be admitted a citizen of the United States of America pursuant to law, and the court having found that the petitioner had resided continuously within the United States for at least five years and in this State for one year immediately preceding the date of the hearing of his (her) petition, and that said petitioner intends to reside permanently in the United States, had in all respects complied with the law in relation thereto, and that..he was entitled to be so admitted, it was thereupon ordered by the said court that

..he be admitted as a citizen of the United States of America.

In testimony whereof the seal of said court is hereunto affixed on the.....day of....., in the year of our Lord nineteen hundred and.....and of our independence the.....

[L. S.]

.....  
(Official character of attestor.)

#### STUB OF CERTIFICATE OF NATURALIZATION.

No. of certificate, .....

Name .....; age, .....

Declaration of intention, volume....., page.....

Petition, volume....., page.....

Name, age, and place of residence of wife, .....

....., ..... Names, ages, and places of residence of  
minor children, ....., ....., ....., ....., ....., .....

....., ....., ....., ....., ....., ....., .....

....., ....., ....., ....., ....., ....., .....

....., ....., ....., ....., ....., ....., .....

Date of order, volume....., page.....

(Signature of holder).....

Sec. 28. That the Secretary of Commerce and Labor shall have power to make such rules and regulations as may be necessary for properly carrying into execution the various provisions of this Act. Certified copies of all papers, documents, certificates, and records required to be used, filed, recorded, or kept under any and all of the provisions of this Act, shall be admitted in evidence equally with the originals in any and all proceedings under this Act and in all cases in which the originals thereof might be admissible as evidence.

Sec. 29. That for the purpose of carrying into effect the provisions of this Act there is hereby appropriated the sum of one hundred thousand dollars, out of any moneys in the Treasury of the United States not otherwise appropriated, which appropriation shall be in full for the objects hereby expressed until June thirtieth, nineteen hundred and seven; and the provisions of Section 3679 of the Revised Statutes of the United States shall not be applicable in any way to this appropriation.

Sec. 30. That all the applicable provisions of the naturalization laws of the United States shall apply to and be held to authorize the admission to citizenship of all persons not citizens who owe permanent allegiance to the United States, and who may become residents of any State or organized Territory of the United States, with the following modifications: The applicant shall

not be required to renounce allegiance to any foreign sovereignty; he shall make his declaration of intention to become a citizen of the United States at least two years prior to his admission; and residence within the jurisdiction of the United States, owing such permanent allegiance, shall be regarded as residence within the United States within the meaning of the five years' residence clause of the existing law.

Sec. 31. That this Act shall take effect and be in force from and after ninety days from the date of its passage: Provided, That Sections 1, 2, 28 and 29 shall go into effect from and after the passage of this Act.

[In regard to the acquisition of citizenship by other means than naturalization see sections 1992 to 1995 inclusive, of the United States Revised Statutes.]

## UNITED STATES REVISED STATUTES—TITLE, NATURALIZATION.

### Honorably Discharged Soldiers Exempt from Certain Formalities.

Sec. 2166. Any alien, of the age of twenty-one years and upward, who has enlisted, or may enlist, in the armies of the United States, either the regular or the volunteer forces, and has been, or may be hereafter, honorably discharged, shall be admitted to become a citizen of the United States, upon his petition, without any previous declaration of his intention to become such; and he shall not be required to prove more than one year's residence within the United States previous to his application to become such citizen; and the court admitting such alien shall, in addition to such proof of residence and good moral character, as now provided by law, be satisfied by competent proof of such person's having been honorably discharged from the service of the United States.

### Aliens of African Nativity and Descent.

Sec. 2169. (As amended, 1875.)—The provisions of this title shall apply to aliens being free white persons, and to aliens of African nativity and to persons of African descent.

### Naturalization of Alien Enemies Prohibited.

Sec. 2171. No alien who is a native citizen or subject, or a denizen of any country, State, or Sovereignty with which the United States are at war, at the time of his application, shall be then admitted to become a citizen of the United States; but persons resident within the United States, or the Territories thereof, on the eighteenth day

of June, in the year one thousand eight hundred and twelve, who had before that day made a declaration, according to law, of their intention to become citizens of the United States, or who were on that day entitled to become citizens without making such declaration, may be admitted to become citizens thereof, notwithstanding they were alien enemies at the time and in the manner prescribed by the laws heretofore passed on that subject; nor shall anything herein contained be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien.

#### **Children of Persons Naturalized under Certain Laws to be Citizens.**

Sec. 2172. The children of persons who have been duly naturalized under any law of the United States, or who, previous to the passing of any law on that subject, by the Government of the United States, may have become citizens of any one of the States, under the laws thereof, being under the age of twenty-one years at the time of the naturalization of their parents, shall, if dwelling in the United States, be considered as citizens thereof; and the children of persons who now are, or have been, citizens of the United States shall, though born out of the limits and jurisdiction of the United States, be considered as citizens thereof; but no person heretofore prescribed by any State, or who has been legally convicted of having joined the army of Great Britain during the Revolutionary War, shall be admitted to become a citizen without the consent of the Legislature of the State in which such person was proscribed.

#### **Alien Seamen of Merchant Vessels.**

Sec. 2174. Every seaman, being a foreigner, who declares his intention of becoming a citizen of the United States in any competent court, and shall have served three years on board of a merchant-vessel of the United States subsequent to the date of such declaration, may, on his application to any competent court, and the production of his certificate of discharge and good conduct during that time, together with the certificate of his declaration of intention to become a citizen, be admitted a citizen of the United States; and every seaman, being a foreigner, shall, after his declaration of intention to become a citizen of the United States, and after he shall have served such three years, be deemed a citizen of the United States for the purpose of manning and serving on board any merchant-vessel of the United States, anything to the con-



trary in any Act of Congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such, after the filing of his declaration of intention to become such citizen.

[Act of May 6, 1882, Chap. 126, Sec. 14, 22 Stat. 61.]

### **Naturalization of Chinese Prohibited.**

Sec. 14. That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this Act are hereby repealed.

[Act of July 26, 1894, Chap. 165, 28 Stat. 124.]

### **Aliens Honorably Discharged from Service in Navy or Marine Corps.**

Any alien of the age of twenty-one years and upward who has enlisted or may enlist in the United States Navy or Marine Corps, and has served or may hereafter serve five consecutive years in the United States Navy or one enlistment in the United States Marine Corps, and has been or may hereafter be honorably discharged, shall be admitted to become a citizen of the United States upon his petition, without any previous declaration of his intention to become such; and the court admitting such alien shall, in addition to proof of good moral character, be satisfied by competent proof of such person's service in and honorable discharge from the United States Navy or Marine Corps.

### **AN ACT TO VALIDATE CERTAIN CERTIFICATES OF NATURALIZATION.**

[Stat. 1905-6, Part I, p. 630.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That naturalization certificates issued after the Act approved March third, nineteen hundred and three, entitled, "An Act to regulate the immigration of aliens into the United States," went into effect, which fail to show that the courts issuing said certificates complied with the requirements of Section 39 of said Act, but which were otherwise lawfully issued, are hereby declared to be as valid as though said certificates complied with said section: Provided, That in all such cases applications shall be made for new naturalization certificates, and when the same are granted, upon compliance with the provisions of said Act of nineteen hundred and three, they shall relate back to the defective certificates, and citizenship

shall be deemed to have been perfected at the date of the defective certificate.

Sec. 2. That all the records relating to naturalization, all declarations of intention to become citizens of the United States, and all certificates of naturalization filed, recorded, or issued prior to the time when this Act takes effect in or from the criminal court of Cook County, Illinois, shall for all purposes be deemed to be and to have been made, filed, recorded, or issued by a court with jurisdiction to naturalize aliens, but shall not be by this Act further validated or legalized. (Approved June 29, 1906.)

## CITIZENSHIP.

### U. S. REVISED STATUTES.

(Acquisition of Citizenship by other means than naturalization.)

Who are  
citizens

Sec. 1992. All persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States.

Children born  
out of the limit of  
United States

Sec. 1993. All children heretofore born or hereafter born out of the limit and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States.

### CITIZENS OF HAWAII.

[Act of April 30, 1900, Ch. 339, p. 141, R. S.]

Republic  
of Hawaii

Sec. 4. That all persons who were citizens of the Republic of Hawaii on August twelfth, eighteen hundred and ninety-eight, are hereby declared to be citizens of the United States and citizens of the Territory of Hawaii.

# AN ACT IN REFERENCE TO THE EXPATRIATION OF CITIZENS AND THEIR PROTECTION ABROAD.

[Approved March 2, 1907.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State shall be authorized, in his discretion, to issue passports to persons not citizens of the United States as follows: Where any person had made a declaration of intention to become such a citizen as provided by law and has resided in the United States for three years a passport may be issued to him entitling him to the protection of the Government in any foreign country; provided, that such passport shall not be valid for more than six months and shall not be renewed and that such passport shall not entitle the holder to the protection of this Government in the country of which he was a citizen prior to making such declaration of intention.

Passports

Sec. 2. That any American citizen shall be deemed to have expatriated himself when he has been naturalized in any foreign state in conformity with its laws, or when he has taken an oath of allegiance to any foreign state.

Naturalized  
in foreign state

When any naturalized citizen shall have resided for two years in the foreign state from which he came, or for five years in any other foreign state it shall be presumed that he has ceased to be an American citizen, and the place of his general abode shall be deemed his place of residence during said years; provided, however, that said presumption may be overcome on the presentation of satisfactory evidence to a diplomatic or consular officer of the United States, under such rules and regulations as the Department of State may prescribe; and provided also, that no American citizen shall be allowed to expatriate himself when this country is at war.

When naturalized  
citizen ceases to be  
American citizen

Sec. 3. That any American woman who marries a foreigner shall take the nationality of her husband. At the terminal of the marital relation she may resume her American citizenship, if abroad, by registering as an American citizen within one year with a consul of the United States, or by returning to reside in the United States, or, if residing in the United States at the termination of the marital relation, by continuing to reside therein.

American woman  
who marries a  
foreigner takes  
nationality of  
husband

Sec. 4. That any foreign woman who acquires American citizenship by marriage to an American shall be assumed to retain the same after the termination of the marital relation if she continue to reside in the United States, unless she makes formal renunciation thereof

Foreign woman  
acquires citizenship  
by marriage to  
American

before a court having jurisdiction to naturalize aliens, or if she resides abroad she may retain her citizenship by registering as such before a United States consul within one year after the termination of such marital relation.

Child born  
without the U. S.  
deemed a citizen  
under certain  
conditions

Sec. 5. That a child born without the United States of alien parents shall be deemed a citizen of the United States by virtue of the naturalization of or resumption of American citizenship by the parent; provided, that such naturalization or resumption takes place during the minority of such child; and provided further, that the citizenship of such minor child shall begin at the time such minor child begins to reside permanently in the United States.

Children who are  
citizens of the U. S.  
residing outside  
must declare their  
intentions at American  
Consulate

Sec. 6. That all children born outside the limits of the United States who are citizens thereof in accordance with the provisions of Section 1993 of the Revised Statutes of the United States and who continue to reside outside the United States shall, in order to receive the protection of this Government, be required upon reaching the age of eighteen years to record at an American consulate their intention to become residents and remain citizens of the United States and shall be further required to take the oath of allegiance to the United States upon attaining their majority.

Duplicates of  
evidence

Sec. 7. That duplicates of any evidence, registration, or other acts required by this Act shall be filed with the Department of State for record.

## PENAL LAWS OF THE UNITED STATES.

By the Act approved March 4, 1909 (35 Stat. L., pt. 1, ch. 321), the following sections were enacted, repealing Sections 5395, 5424, 5525, 5526, 5528 and 5529 of the Revised Statutes of the United States, and Sections 16, 17 and 19 of the Act of June 29, 1906,

Sec. 74. Whoever shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or shall knowingly aid or assist in falsely making, forging, or counterfeiting any certificate of citizenship, with intent to use the same, or with the intent that the same may be used by some other person, shall be fined not more than ten thousand dollars, or imprisoned not more than ten years, or both.

Forging or  
counterfeiting  
certificate

Sec. 75. Whoever shall engrave, or cause or procure to be engraved, or assist in engraving, any plate in the likeness of any plate designed for the printing of a certificate of citizenship; or whoever shall sell any such plate, or shall bring into the United States from any foreign place any such plate, except under the direction of the Secretary of Commerce and Labor or other proper officer; or whoever shall have in his control, custody, or possession any metallic plate engraved after the similitude of any plate from which any such certificate has been printed, with intent to use or to suffer such plate to be used in forging or counterfeiting any such certificate or any part thereof, or whoever shall print, photograph, or in any manner cause to be printed, photographed, made, or executed, any print or impression in the likeness of any such certificate, or any part thereof; or whoever shall sell any such certificate, or shall bring the same into the United States from any foreign place, except by direction of some proper officer of the United States; or whoever shall have in his possession a distinctive paper which has been adopted by the proper officers of the United States for the printing of such certificate, with intent unlawfully to use the same, shall be fined not more than ten thousand dollars, or imprisoned not more than ten years, or both.

Engraving  
certificate

Sec. 76. Whoever, when applying to be admitted a citizen, or when appearing as a witness for any such person, shall knowingly personate any person other than himself, or shall falsely appear in the name of a deceased person, or in an assumed or fictitious name; or whoever shall falsely make, forge, or counterfeit any oath, notice,

Personating any  
person

affidavit, certificate, order, record, signature, or other instrument, paper, or proceeding required or authorized by any law relating to or providing for the naturalization of aliens; or whoever shall utter, sell, dispose of, or shall use as true or genuine, for any unlawful purpose, any false, forged, antedated, or counterfeit oath, notice, certificate, order, record, signature, instrument, paper, or proceeding above specified; or whoever shall sell or dispose of to any person other than the person for whom it was originally issued any certificate of citizenship or certificate showing any person to be admitted a citizen, shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both.

Sec. 77. Whoever shall use or attempt to use, or shall aid, assist, or participate in the use of any certificate of citizenship, knowing the same to be forged, counterfeit, or antedated, or knowing the same to have been procured by fraud or otherwise unlawfully obtained; or whoever, without lawful excuse, shall knowingly possess any false, forged, antedated, or counterfeit certificate of citizenship purporting to have been issued under any law of the United States relating to naturalization, knowing such certificate to be false, forged, antedated, or counterfeit, with the intent unlawfully to use the same; or whoever shall obtain, accept, or receive any certificate of citizenship, knowing the same to have been procured by fraud or by the use or means of any false name or statement given or made with the intent to procure, or to aid in procuring, the issuance of such certificate, or knowing the same to have been fraudulently altered or antedated; or whoever, without lawful excuse, shall have in his possession any blank certificate of citizenship provided by the Bureau of Immigration and Naturalization with the intent unlawfully to use the same; or whoever, after having been admitted to be a citizen, shall, on oath or by affidavit, knowingly deny that he has been so admitted, with the intent to evade or avoid any duty or liability imposed or required by law, shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both.

Using another  
person's certificate—  
penalty

Sec. 78. Whoever shall in any manner use, for the purpose of registering as a voter, or as evidence of a right to vote, or otherwise unlawfully, any order, certificate of citizenship, or certificate, judgment, or exemplification, showing any person to be admitted to be a citizen, whether heretofore or hereafter issued or made, knowing that such order, certificate, judgment, or exemplification has been unlawfully issued or made; or whoever shall unlawfully use, or attempt to use, any such order or certificate, issued to or in the name of any other person, or in a fictitious name, or the name of a deceased person,

shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both.

Sec. 79. Whoever shall knowingly use any certificate of naturalization heretofore or which hereafter may be granted by any court, which has been or may be procured through fraud or by false evidence, or which has been or may hereafter be issued by the clerk or any other officer of the court without any appearance and hearing of the applicant in court and without lawful authority; or whoever, for any fraudulent purpose whatever, shall falsely represent himself to be a citizen of the United States without having been duly admitted to citizenship, shall be fined not more than one thousand dollars, or imprisoned not more than two years, or both.

Using certificate  
procured by fraud

Sec. 80. Whoever, in any proceeding under or by virtue of any law relating to the naturalization of aliens, shall knowingly swear falsely in any case where an oath is made or affidavit taken, shall be fined not more than one thousand dollars and imprisoned not more than five years.

Sec. 81. The provisions of the five sections last preceding shall apply to all proceedings had or taken, or attempted to be had or taken, before any court in which any proceeding for naturalization may be commenced or attempted to be commenced, and whether such court was vested by law with jurisdiction in naturalization proceedings or not.

# CHARTER PROVISIONS OF THE CITY AND COUNTY OF SAN FRANCISCO

## ARTICLE II.

### CHAPTER I.

#### Amendments to Charter—Action by the People.

Amendments  
to Charter  
by petition

Sec. 22. Whenever there shall be presented to the Supervisors a petition signed by a number of voters equal to fifteen per centum of the votes cast at the last preceding State or municipal election, asking that an amendment or amendments to this Charter, to be set out in such petition, be submitted to the people, the Board must submit to the vote of the electors of the city and county the proposed amendment or amendments.

Signatures  
to petition

The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements made therein are true, and that each signature to such paper appended is the genuine signature of the person whose name purports to be thereto subscribed.

Special  
election

The Board of Election Commissioners must make all necessary provision for submitting the proposed amendment or amendments to the electors at a special election to be called by it, and shall canvass the vote in the same manner as in other cases of election.

Whenever the  
State Constitution  
is changed

All the provisions of the Constitution of the State embracing the subject in this section provided for are hereby expressly made applicable to such proposed amendment or amendments. But if at any time there shall be no constitutional provision or provisions under which this Charter may be amended, the aforesaid amendment or amendments must be submitted by the Board of Election Commissioners to the vote of the electors of the city and county at the election which next ensues after such petition is filed with the Supervisors, if any such election is not to be held within sixty days after the filing of such petition.

Tickets

The tickets used at such election shall contain the words "for the amendment" (stating the nature of the proposed amendment) and "against the amendment" (stating the nature of the proposed amendment).



If a majority of the votes cast upon such amendment or amendments shall be in favor of the adoption thereof, the Board of Election Commissioners shall, within thirty days from the time of such election, proclaim such fact, and thereupon the Charter shall be amended accordingly.

Majority  
shall decide

## ARTICLE XI.

### CHAPTER I.

#### Board of Election Commissioners.

Section 1. The conduct, management, and control of the registration of voters, and of the holding of elections, and of all matters pertaining to elections in the city and county, shall be vested exclusively in and exercised by a Board of Election Commissioners, consisting of five members, who shall be appointed by the Mayor, and shall hold office for four years. Each of the Commissioners shall receive an annual salary of one thousand dollars. Each member of the Board must be an elector of the city and county at the time of his appointment and must have been such for five years next preceding such time. Those first appointed must, immediately after their appointment, so classify themselves by lot that one shall go out of office at the end of one year, one at the end of two years, one at the end of three years, and two at the end of four years.

Five Commissioners  
appointed by  
Mayor

Term  
Salary  
Qualification

The Mayor shall not make any appointment upon the Board at any time before thirty days prior to the time when such appointee is to take office. Two of the five members first appointed shall be chosen from each of the two political parties casting in the city and county the highest vote for Governor or electors of President and Vice-President, as the case may be, at the last preceding general election. The fifth member shall be chosen from the political party casting the third highest vote at such election, if there be such third party, and if not, then at the discretion of the Mayor. Upon the expiration of the term of office of any Commissioner, the appointee must be chosen from the same political party as the retiring Commissioner, consistently with the foregoing provisions as to equal representation at all times of the two political parties casting the highest vote at the general election last preceding the appointment in question as prescribed in this section.

Time of  
appointment

Political  
affiliations

Equal  
representation

Sec. 2. No member of the Board, nor Registrar, nor Deputy Registrar shall, during his term of office, be a member of any convention the purpose of which is to nominate candidates for office; nor be eligible to any other municipal office during the term for which he shall have been appointed, or for one year thereafter; nor act

Not to take  
part in politics

as officer of any election or primary election; nor take part in any election except to vote, and when acting as Election Commissioner, at which time he shall perform only such official duties as may be required of him by law and by this Charter.

Organisation

Sec. 3. The Commissioners shall organize within ten days after their appointment by choosing one of their number president. In case of failure to agree, he shall be selected by lot. He shall hold office for one year and until his successor is chosen. The Board shall appoint a Registrar of Voters who shall receive an annual salary of twenty-four hundred dollars. The Registrar shall be the secretary of the Board, and shall keep a record of its proceedings, and shall execute all orders and enforce all rules and regulations adopted by the Board. The term of office of Registrar shall be four years.

President

Registrar of  
Voters

Salary

Secretary

Duties

Term

Clerks' salaries

Sec. 4. The Board may appoint such other clerical assistants as may be necessary, at a salary not to exceed one hundred dollars a month each for the time actually employed. The Board shall, by resolution adopted by a majority vote of all its members and entered upon its minutes, designate the service to be rendered by such assistants and the time for which they shall be employed. The time of employment of such assistants shall not be extended except by like resolution of the Board, and when a salary shall have been once fixed it shall not be increased. This section is subject to the provisions of Article XIII of this Charter.

How governed

General laws  
applicable

Sec. 5. All provisions of the general laws of this State, including penal laws, respecting elections, not inconsistent with the provisions of Chapter II hereof, shall be applicable to all elections held in the City and County of San Francisco. All provisions of the general laws of this State respecting the registration of voters shall be applicable to such registration in the city and county. The Board of Election Commissioners must provide for precinct registration, so far as it can do so under the Constitution and the laws of the State. (Amended November 15, 1910.)

## CHAPTER II.

### MUNICIPAL ELECTIONS.

#### When Held—Officers to Be Elected—Terms.

Section 1. There shall be held in the City and County of San Francisco, on the last Tuesday in September of the year 1911, and every second year thereafter, an election to be known as the "Primary Municipal Election." A second election shall be held when necessary under the provisions of this Charter on the Tuesday after the first Monday in November, not less than forty days

after the said primary election, and shall be known as the "General Municipal Election."

At said primary and general elections there shall be nominated and elected by the electors of the city and county the following officers: the Mayor, four Police Judges, District Attorney, City Attorney, Assessor, Auditor, Treasurer, Tax Collector, Recorder, Public Administrator, County Clerk, Sheriff, Coroner, and eighteen Supervisors. Each of the above officers shall be elected for two years, except the Police Judges and the Assessor, each of whom shall be elected for four years. The Superintendent of Public Schools shall be elected for four years, and the Justices of the Peace, at the same time that members of the Legislature are elected.

(See Section 38a.)

### **When Office Is Taken.**

Sec. 2. The officers elected at the primary or general election under this Charter shall take office at noon on the eighth day of January following.

### **Nomination and Election of City and County Officers.**

Sec. 3. 1. The mode of nomination and election of all elective officers of the city and county to be voted for at any primary, general or special municipal election, including recall elections, shall be as follows, and not otherwise:

#### **Condition of Candidacy.**

2. The name of a candidate shall be printed upon the ballot when a declaration of candidacy and certificates of not less than ten sponsors shall have been filed on his behalf, in the manner and form and under the conditions hereinafter set forth.

#### **Method of Nomination.**

3. The nomination of candidates shall be made in the following manner:

(a) The candidate, not more than fifty days before the primary election in September, shall file with the Registrar of Voters a declaration of his candidacy, in the following form:

#### **"Declaration of Candidacy.**

I,....., residing at....., hereby declare myself a candidate for the office of..... to be voted for at the municipal election to be held in the City and County of San Francisco, on the.....day of September, A. D.....

City and County of San Francisco, }  
 State of California. } ss.

Subscribed before me and filed this.....day of.....,  
 A. D.....

.....,  
 Registrar of Voters."

The blanks in said form for the name and residence of the candidate and the office and day of election, shall be filled out and the declaration subscribed by him before the Registrar of Voters. The Registrar shall forthwith certify to the said subscription and its date and retain and file the declaration.

(b) After said declaration shall be signed, certified and filed, and not later than thirty days before said election in September, not less than ten nor more than twenty sponsors for the said candidate, who are electors for the city and county, qualified to vote at the said municipal election, shall appear before the Registrar of Voters and shall certify, under oath, to the qualifications of the said candidate, in a certificate as follows:

"City and County of San Francisco, }  
 State of California. } ss.

The undersigned sponsor for....., who has declared his candidacy for the office of..... to be voted for at the municipal election to be held in the City and County of San Francisco, on the.....day of September, A. D....., being first duly sworn, deposes and says:

That in my opinion my knowledge of the said..... is sufficient to warrant my urging his election to the office of.....in the City and County of San Francisco, and that he is fully qualified mentally, morally and physically for the said office and should be elected to fill it; that I am a qualified elector of said city and county and am not at this time a signer of any other certificate nominating any other candidate for the above-named office, or, in case there are several places to be filled in the above-named office, that I have not signed more certificates than there are places to be filled in the above-named office; that my residence is at No..... Street, San Francisco, and that my occupation is .....

"City and County of San Francisco, }  
 State of California. } ss.

The above was subscribed, sworn to before me, read to me by the deponent, the said signature verified by me, and the said certificate filed this.....day of....., A. D.....

.....,  
 Registrar of Voters."

The blanks in the said certificate for the name of the candidate and the office, the date of the election, the address and occupation of the sponsor shall be filled out and the certificate read to the Registrar of Voters, subscribed and sworn to by the sponsor before him, and his signature forthwith verified by the Registrar by comparison with the signature of the sponsor's registration as a voter. The Registrar's certificate shall thereupon be filled out and the document retained by him and filed.

(c) It shall be the duty of the Board of Election Commissioners to furnish a sufficient number of forms for such candidates' declarations and such sponsors' certificates. In the event the Registrar shall refuse to file such declaration or certificate, he shall forthwith designate in writing on the declaration or certificate the defect thereof, or other reason for refusing to file the same, and shall return the same to the party tendering it. No defect in any declaration or certificate presented to the Registrar shall prevent the filing of another declaration or certificate within the period allowed for presenting the declaration or certificate.

(d) Each certificate must contain the name of one signer thereto and no more. Each signer must be a qualified elector, must not at the time of signing a certificate have his name signed to any other certificate for any other candidate for the same office, or, in case there are several places to be filled in the same office, signed to more certificates for candidates for that office than there are places to be filled in such office.

(e) The Registrar of Voters shall preserve in his office for a period of four years all candidates' declarations and all sponsors' certificates filed under this section.

#### **Candidate's Statement.**

4. If the candidate shall so desire, he may file with the Election Commission, not less than twenty-five days before the said election, a statement, of not more than one hundred words, setting forth any facts he deems pertinent to the question of his qualifications for the office for which he is a candidate and paying the sum of twenty dollars to the Registrar of Voters. Additional words, not to exceed two hundred, may be added to the statement, for the additional fee of ten dollars for each hundred words or part thereof. All such fees received by the Registrar shall be paid over to the Treasurer of the City and County of San Francisco and credited to the general fund. Upon the payment of the said fee, the Board of Election Commissioners shall cause said statements, with the candidate's name and number on the ballot appearing above each to be grouped under the office for which he is a candidate, the names and groups to be arranged in the

same order as the ballots printed for the assembly district of said city and county designated by the lowest number. The Board of Election Commissioners shall cause the said statements so arranged to be printed either in single sheet or pamphlet form, the candidate's name and number in fourteen (14) point type and the body of the statement in ten (10) point type and enclosed and circulated with the sample ballot and sent to each registered voter. The Board of Election Commissioners shall furnish, at least five days before the said election, copies of such statements, so arranged and printed, to registered voters on application at his office.

### **Mayor's Proclamation.**

5. Immediately after such declaration and ten sponsors' certificates shall have been filed, the Registrar of Voters shall enter the names of the candidates in a list, with the offices to be filled, and shall not later than twenty-five days before the election certify such list as being the list of candidates nominated as required by this Charter; and the Mayor shall cause said certified list of names and the offices to be filled, designating whether for a full term or unexpired term, to be published in the proclamation calling the election at least eight successive days, excluding Sundays, before the election, in not more than two daily newspapers of general circulation published in the City and County of San Francisco. Said proclamation shall conform in all respects to the general State law governing the conduct of municipal elections, now or hereafter in force, except as herein required.

### **Form of Ballots.**

6. The Registrar of Voters shall cause the ballots to be printed and bound and numbered as provided for by State law, except as otherwise required in this Charter. The ballots shall contain the list of names and the respective offices, as published in the proclamation, and shall be in substantially the form herein provided.

### **Heading and Directions to Voters.**

(a) PRIMARY OR GENERAL, OR RECALL, OR SECOND RECALL, AS THE CASE MAY BE, MUNICIPAL ELECTION, CITY AND COUNTY OF SAN FRANCISCO.

INSTRUCTIONS TO VOTERS: To vote, stamp or write a cross (X) opposite the name of the candidate for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear or

deface this ballot, return it to the inspector of election and obtain another.

### **Arrangement of Offices on Ballot.**

(b) The offices to be filled shall be arranged in the following order:

The Mayor, Police Judges, District Attorney, City Attorney, Assessor, Auditor, County Clerk, Sheriff, Treasurer, Tax Collector, Recorder, Public Administrator, Coroner, arranged in one or more columns, and the Supervisors in a column or columns separate from the others.

### **Every Nominee on Ballot.**

(c) The name of every candidate who has been duly and regularly nominated shall be placed on the ballot under the title of the office for which he is a candidate.

### **Rotation of Candidates' Names.**

(d) The ballots for the assembly district of the city and county designated by the lowest number shall have the names of each group of candidates for an office or offices arranged in alphabetical order, according to the family name of the candidate. In the assembly district designated by the next higher number, the groups of names shall be the same as in the district designated by the next lower number, save that the last candidate in the group in the preceding district shall be placed at the beginning of the group, the succession of names to be otherwise unchanged, and so on, rotating the names in this order throughout all the assembly districts.

In the event that the number of candidates in any group shall exceed the number of assembly districts in the city and county, then the total number of candidates in such group shall be divided by the number of assembly districts and the quotient, if an integral number, or if it be fractional, then the next highest integral number, shall be the number of candidates to be taken from the end and placed at the beginning of such a group in each successive assembly district; the rotation then being in this manner, to wit: if there be fifty-six candidates for Supervisors and twenty assembly districts, numbered from twenty-five to forty-five, the fifty-fourth, fifty-fifth and fifty-sixth candidates in the group of the twenty-fifth district will be the first, second and third candidates, respectively, in the group in the twenty-sixth district.

### **Spaces for Name and for Voting Cross.**

(e) The candidate's name shall be printed in brevier type and shall be enclosed by lines above and below, a

half-inch apart. Half-inch squares shall be provided at the right of the name of each candidate wherein to mark the cross.

#### **Blank Spaces for Additional Candidates.**

(f) Half-inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote.

#### **Other Requirements of Ballot.**

(g) All ballots printed shall be precisely of the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible in each Assembly District, to distinguish one ballot from another; and the names of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right hand side for Charter amendments or other questions to be voted upon at the municipal elections, as provided for under this Charter.

#### **Voting Machines.**

(h) In the event of the use of voting machines, the ballot shall be arranged on the machines in the same form in each Assembly District as provided for the printed ballot.

#### **Candidate's Political Designation.**

(i) No party name or political designation or descriptive matter concerning the candidate shall appear on the ballot. Subdivision (i) was adopted as an alternative proposition November 15, 1910; approved by the Legislature February 17, 1911.

#### **Sample Ballots.**

7. The Registrar of Voters shall cause to be printed ballots identical with the ballot to be used in each Assembly District at the election and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail to each voter entitled to vote at such election a copy of the ballot to be used in his district, so that all of said sample ballots shall have been mailed at least five whole days before said election.



### **Votes Necessary to Elect.**

8. In case there is but one person to be elected to an office, the candidate receiving a majority of the votes cast at the primary election for all the candidates for that office shall be declared elected; in case there are two or more persons to be elected to an office, as that of Supervisors or Police Judge, then those candidates equal in number to the number to be elected, who receive the highest number of votes for such office shall be declared elected; provided, however, that no person shall be declared elected to any such office at such primary election unless the number of votes received by him shall be greater than one-half the number of ballots cast at such election.

### **General Election.**

9. The vacancy or vacancies in any office to which the required number of persons have not been elected at the primary election shall be filled at the general election. The candidates not elected at such primary election, equal in number to twice the number to be elected to any given office, or less, if so there be, who receive the highest number of votes for the respective offices at such first election, shall be the only candidates at such general election; provided, that if there be any person who under the provisions of this subdivision, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise become candidates for such office. The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such general election shall be declared elected to such office.

### **Rules Governing the General Election.**

10. All the provisions and conditions above set forth as to the conduct of a primary election, so far as they may be applicable, shall govern the general election, except that notice of election need be published twice only, and provided also that the same precincts and polling places shall, if possible, be used.

### **Failure of Person Elected to Qualify.**

11. If a person elected fails to qualify, the office shall be filled as in this Charter provided for a vacancy in such office.

### Informalities in Election.

12. No informalities in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this Charter.

## CHAPTER III.

### THE INITIATIVE.

#### Acts of Supervisors and Legislative Acts.

Section 1. The registered voters shall have power to propose by petition, and to adopt or to reject at the polls, any ordinance, act or other measure which is within the power conferred upon the Board of Supervisors, or any legislative measure which is within the power conferred upon any other Board, Commission or officer. Such ordinance, act or other measure may be proposed by filing with the Board of Election Commissioners a petition setting forth said measure in full, signed by registered voters of the City and County as many in number as the percentages hereinafter required of the entire vote for all candidates for the office of Mayor cast at the last preceding regular municipal election.

#### Signatures.

Sec. 2. The words "registered voters," as used in this chapter, shall mean qualified voters whose names appear on the records of registration for the current or next preceding year. The signatures to the petition need not all be appended to one paper, but said petition may be presented in sections. The number of signatures to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified voter or citizen taxpayer of the municipality is competent to solicit said signatures. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating that all signatures to the attached section were made in his presence, and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name purports to be thereunto subscribed, and no other affidavit thereto shall be required. Each signer of said petition shall add to his signature his place of residence, giving the street and number. Unless and until it be proven otherwise by official investigation, it shall be presumed that the petition filed conforms to all legal requirements and contains the signatures of the requisite number of registered voters, and, after an election based thereon, the sufficiency of said petition shall not be questioned.

Any signer to a petition may withdraw his name from the same by filing with the Board of Election Commissioners a verified revocation of his signature before the filing of the petition with said Board. No signatures can be revoked after the petition has been filed. The Registrar of Voters shall endorse on said petition the names of three persons who filed said petition.

### Verification.

Sec. 3. Within ten days after the date of filing such petition, the Board of Election Commissioners must finally determine from the records of registration whether or not said petition is signed by the requisite number of electors entitled to vote. If any signature be called in question, said Board shall mail notice to such purported signer, stating that his name is attached to such petition and cite him to appear before them forthwith. Unless and until said purported signer denies under oath the genuineness of such signature, it shall be deemed genuine. If necessary, the Board of Supervisors shall allow the Board of Election Commissioners extra help for the purpose of examining such petition. The Board of Election Commissioners, upon the conclusion of such examination, shall forthwith attach to said petition their certificate showing the result of said examination, and forthwith mail a copy thereof to the persons filing said petition. If, by the said certificate, the petition is shown to be insufficient, it may be amended by additional signatures within ten days after the date of said certificate. The Board of Election Commissioners shall, within ten days after such amendment, make like examination and determination of the amended petition and attach and mail a like certificate, and, if their certificate shall show the same to be insufficient, it shall be returned to the persons filing the same, without prejudice, however, to the filing of a new petition to effect the same purpose.

### Ten Per Centum for Special Election.

Sec. 4. If the petition accompanying the proposed measure be signed by registered voters as many in number as ten per cent of the said entire vote, and contains a request that said measure be submitted forthwith to a vote of the electorate at a special election, then the Board of Election Commissioners shall forthwith call a special election, which shall be held at a date not more than thirty days from the date of calling the same, at which said measure, without alteration, shall be submitted to a vote of the electorate.

### Four Per Centum for General Election.

Sec. 5. If the petition be signed by registered voters as many in number as four per cent but less than ten per cent of the said entire vote, or if for any reason any measure proposed by a petition signed by registered voters as many in number as ten per cent of said entire vote has not been submitted at a special election as provided in Section 4 of this chapter, then, in either event, such measure or measures, without alteration, shall be submitted by the Board of Election Commissioners to a vote of the electorate at the next general State or municipal election that shall occur at any time after thirty days from the date of the Board of Election Commissioners' certificate of sufficiency attached to the petition accompanying such measure.

### Form of Ballot. Majority Vote.

Sec. 6. The ballots used when voting upon said proposed measure shall contain a general statement thereof, followed by the words "Yes" and "No," so arranged that the voter may indicate his choice upon the ballot. If a majority of the qualified electors voting on said proposed measure shall vote in favor thereof, it shall go into effect ten days after the declaration of the official count.

### Competing and Conflicting Measures. Repeal.

Sec. 7. When there are two or more measures proposed to secure the same general purpose, the Board of Election Commissioners shall so declare, and shall have the ballots so printed that the voter (first) can choose between any measure or none, and (secondly) can express his preference for any one. If a majority of the votes on the first question is affirmative, then the measure receiving the highest number of votes shall become law and the others shall fail of passage. In case two or more measures are tied for the highest vote, they shall be re-submitted at the next ensuing general election. If there is a conflict between two or more measures or between two or more Charter amendments adopted at the same election, then the measure or charter amendment receiving the highest affirmative vote shall prevail. No ordinance or measure approved by the electorate under the provision of this chapter shall be subject to veto, or be amended or repealed except by vote of the electorate, unless such ordinance or measure shall otherwise provide.

### Elections.

Sec. 8. All arrangements for an election under this chapter shall be made and the same shall be conducted,

returned, and the results thereof declared, so far as practicable, in all respects as are municipal elections, and State penal laws applicable to general election shall apply to elections held hereunder; provided, if there be any conflict of provisions, this chapter shall control. Any number of proposed measures, ordinances, referendum petitions, or other measures, may be submitted on one petition and may be voted upon at the same election in accordance with the provisions of this chapter; provided, that there shall not be held under this chapter more than one special election within a period of six months.

#### **Measure to be Mailed to Voters.**

Sec. 9. Whenever any measure is required by this Charter to be submitted to the voters of the City and County at any election, the Board of Election Commissioners shall cause the measure to be printed, in substantially the same form as the latest municipal edition of this Charter, and they shall enclose a printed copy thereof, in an envelope with a sample ballot, and mail the same to each voter, at least five days prior to the election.

#### **Arguments to Be Mailed to Voters.**

Sec. 10. If said proposition be submitted upon an initiative petition of the registered voters, the persons filing said petition shall have the right to present to the Board of Election Commissioners, at any time twenty-five days prior to said election, copies of printed arguments favoring said proposition; if said proposition be submitted by the Mayor, or by the Board of Supervisors, or by one-third of the Board of Supervisors, or by persons filing a referendary petition, they shall have a similar right to present copies of printed arguments; said arguments shall be printed in substantially the same form as the latest municipal edition of this Charter and shall not exceed eight pages in length upon each proposition. Any person, committee or organization opposing any proposition may each present, in like manner and of the same form and amount and within the same time, printed arguments opposing said proposition. Copies of said arguments either for or against, shall be presented equal in number to five per cent in excess of the total number of registered voters. The Board of Election Commissioners shall cause one copy of each of said arguments to be bound with their copy of the measure or amendment which is to be mailed to each voter as required by Section 9 of this chapter.

#### **Election is Mandatory.**

Sec. 11. If any measure proposed by petition or upon which a referendum vote is requested by petition, in ac-

cordance with the provisions of this Charter, be not submitted to the voters at or within the time elsewhere specified in this Charter, such petition shall remain in force until such measure shall be submitted to a vote, and no bond issue, or other measure proposed by the Board of Supervisors shall be submitted to the voters unless at the same election, or prior thereto, there shall be submitted to the voters the measures upon which a vote is requested by petition, if any vote be so requested and upon which a vote has not been taken at or within the time elsewhere specified in this Charter. This section is prohibitory and mandatory.

### **Charter Amendments.**

Sec. 12. The provisions of this chapter, unless prohibited by the State Constitution, shall apply to the proposal, submission and adoption of Charter amendments.

### **Declarations of Policy.**

Sec. 13. Any declaration of policy or principle of legislation may be submitted to the electors in the manner provided for the submission of ordinances; and when approved by a majority of the voters voting at any election, it shall thereupon be the duty of the Board of Supervisors or other legislative body to enact an ordinance or ordinances to carry such policies or principles into effect, subject to the referendum provisions of Chapter IV of Article XI of this Charter.

### **Special Election Fund.**

Sec. 14. In the first annual budget to be hereafter adopted by the Board of Supervisors, said Board shall appropriate not less than fifty thousand dollars to be known as the Special Election Fund, to be used exclusively for defraying the cost of verifying petitions and other expenses of special elections initiated by petition of the electorate, including recall elections. In the event of the expenditure of any of said fund, the Board of Supervisors in the next succeeding annual budget shall appropriate a sum sufficient to replete said Special Election Fund.

### **Substantial Compliance.**

Sec. 15. A substantial compliance with the provisions of this chapter shall be sufficient for the holding of an election hereunder and the approval or rejection of any measure submitted thereat.

## CHAPTER IV. THE REFERENDUM.

### Public Utilities.

Section 1. Every ordinance or other measure involving the lease or sale of any public utility, or the granting of a new franchise for the operation of any public utility whose franchise has expired or is about to expire, must be referred and submitted to the vote of the electors of the City and County at the election next ensuing not less than sixty days after the adoption of such ordinance, and shall not go into effect until ratified by a majority of the voters voting thereon.

### Referendum by Supervisors. By Mayor.

Sec. 2. Any ordinance which the Supervisors are empowered to pass may be submitted by a majority of the Board at a general election or at a special election called for the purpose, said election to be held not less than thirty days from the date of the call. Any such ordinance may be proposed by one-third of the Supervisors or by the Mayor, and when so proposed shall be submitted to the electors at the next succeeding general election.

### Referendum by Electors.

Sec. 3. No ordinance passed by the Supervisors granting any public utility franchise or privilege, or authorizing the lease or sale of any lands, or authorizing the purchase of lands of more than fifty thousand dollars in value shall go into effect until the expiration of sixty days from the date it becomes final: (a) by approval of the Mayor; (b) or without his approval by the expiration of the time prescribed by this Charter within which he may disapprove it; or (c) by its passage by the Board of Supervisors over his objections in the event of such disapproval. At the end of such sixty days such ordinance shall be in force and effect, unless within such period there shall be filed with the Election Commissioners a petition signed by registered voters equal in number to five per cent of the entire vote cast for Mayor at the last preceding regular municipal election, requesting that such ordinance be submitted to the electors. In case such petition is filed, such ordinance shall not go into effect until approved by a majority of the voters voting thereon at a general or special election.

### Regulations Governing Petitions.

Sec. 4. A petition asking that any ordinance be submitted to the electors shall conform to the provisions of

Sections 2 and 3 of Chapter III of this Article (the Initiative), which are hereby made a part hereof.

#### **Time of Elections.**

Sec. 5. If a petition be filed more than sixty days and less than ninety days prior to a general election, it shall be submitted at such general election. Otherwise it shall be submitted at the next general election or at a special election called prior thereto, as the Supervisors shall decide.

#### **Elections—How Conducted.**

Sec. 6. Sections 6, 7, 8, 9, 10, 11 and 15 of Chapter III (the Initiative), so far as applicable, shall govern elections held under the authority of this chapter.

#### **Majority Vote.**

Sec. 7. If a majority of the votes cast on any ordinance or measure so referred to the electors, as herein provided, shall be in favor thereof, it shall go into effect ten days after the determination of the official count; otherwise it shall be repealed and rejected.

#### **Substantial Compliance.**

Sec. 8. A substantial compliance with the provisions of this chapter shall be sufficient for the holding of an election hereunder and for the approval or rejection of any measure submitted thereat.

### **CHAPTER V.**

#### **THE RECALL.**

##### **Elected Officials. Ten Per Centum. Statement of Grounds.**

Section 1. The holder of any elective office may be removed or recalled by the electors. The procedure to effect such removal or recall shall be as follows: A petition demanding the election of a successor to the person sought to be removed or recalled shall be filed with the Board of Election Commissioners. Such petition shall be signed by registered voters equal in number to at least ten per cent of the entire vote cast for Mayor at the last preceding general municipal election, provided that not less than seven thousand nor more than fifteen thousand signatures of such electors shall be required on such petition. Said petition shall contain a statement of the grounds on which the removal or recall is sought, which



statement is intended solely for the information of the electors. Any insufficiency of form or substance in such statement shall in no wise affect the validity of the election and proceedings held hereunder. No recall petition shall be filed against any officer until he has actually held his office for at least four months.

### **Signatures. Verification.**

Sec. 2. Said petition shall be in all respects in accordance with the provisions of Sections 2 and 3 of Chapter III (the Initiative) of Article XI of this Charter, which sections are made a part hereof, and shall be examined and certified by the Board of Election Commissioners in all respects as in said sections provided.

### **Special Election.**

Sec. 3. Unless the petition shall be found insufficient in the number of signatures of registered voters attached thereto, within ten days from the date of filing the same, the Board of Election Commissioners shall thereupon order and fix a date for holding the said election, said date to be not less than thirty-five days nor more than fifty days after the date of the order fixing the date of said election. If a vacancy occur in said office after a recall petition has been filed, the election shall nevertheless proceed as in this chapter provided.

### **Several Removals at One Election.**

#### **Publication.**

Sec. 4. One petition is competent to propose the removal and election of one or more elective officials. One special election is competent for the removal and election of one or more elective officials. The Board of Election Commissioners shall make or cause to be made due publication or notice of said election.

### **Nominations.**

Sec. 5. Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise in writing, the Board of Election Commissioners shall place his name on the official ballot without nomination. Any person may be nominated for any office under such recall election in the following manner, and not otherwise, to wit: By filing with the Board of Election Commissioners the petitions of not less than ten or more than twenty registered voters, who shall appear personally before the Registrar of Voters and make affidavit that in their judgment the candidate is fully

qualified, mentally, morally and physically, for said office and should be elected to fill it. Such petitions shall be filed not less than twenty-five days before such recall election.

### Sample Ballot. Printed Statements.

Sec. 6. Upon the sample ballot there shall be printed in not more than three hundred words the reasons for demanding the recall of the officer as set forth in the recall petition, and upon the same ballot in not more than three hundred words the officer may justify his course in office.

### Form of Ballot. Election.

Sec. 7. Until and unless there be some other method provided in this Charter for the conduct of a recall election, such election shall be governed, so far as applicable, by the laws governing the holding of other municipal elections, except as hereinafter provided:

(a) The ballot for a recall election shall be printed in the following manner: At the top of the ballot shall appear such part of the instructions to voters as are applicable to such election. Immediately below the instructions to voters shall be printed the title of the office or offices to be filled in the order set forth in this Charter. The names of the candidates for any such office shall be arranged in alphabetical order under the title to such office.

(b) In any such removal election the candidate receiving a majority of all the votes cast for such office shall be declared elected. In case two or more persons are to be elected to the same office, then those candidates, equal in number to the number to be elected, who receive the highest number of votes for said office shall be declared elected; provided, however, that no person shall be declared elected to any such office at such election unless the number of votes received by him shall be greater than one-half the number of ballots cast at such election.

(c) If no candidate receive a majority of all the votes cast for such office at such election, a second election shall be held fourteen days later. The Board of Election Commissioners shall provide ballots for such election, on which shall be printed the names of the two candidates for each office who received the highest number of votes for such office at the first election, and no other names; provided, that if more than one person is to be elected to one office, the candidates not elected at such first election equal in number to twice the number to be elected, or less if there be not so many, who received the highest number of votes for such office at such first election, shall appear in alphabetical order on such ballots and shall be the

only candidates for such office at the second recall election; provided, further, that if there be any person who, under the provisions of this section, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise become candidates for such office. The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such second election, shall be declared elected to such office.

#### **Removal. Successor. Second Recall.**

Sec. 8. If some other person than the incumbent of such office or offices receive a majority of the votes cast at such recall election, or the highest number of votes at such second election, the incumbent shall thereupon be deemed removed from office upon qualification of his successor. The successor of any officer so removed shall hold office during the unexpired term of his predecessor, subject to removal under the provisions of this chapter. In case the person declared elected should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives a majority of the votes cast at such recall election or the highest number of votes at a second election, he shall continue in office. If such incumbent is so re-elected, it shall require double the number of signatures to initiate a second election for his recall; and if re-elected at such second recall election, it shall require three times the number of signatures to initiate a third recall election against such officer during the term for which he was elected.

#### **Reimbursement for Election Expenses.**

Sec. 9. If the incumbent receive a majority of the votes at such recall election, he shall be reimbursed out of the Special Election Fund for his expenses in such recall election; provided, that such payment shall not exceed the amount he is permitted to spend under the Purity of Elections Act now in force.

#### **Vacancies. Disqualification.**

Sec. 10. In the event of a vacancy occurring in any such office between the date of the filing of such petition with the Board of Election Commissioners and the holding of such election, where such petition is found sufficient, such vacancy shall be filled in the same manner as other vacancies occurring in such office, but the person

selected to fill such vacancy shall hold such office only until the person elected in accordance with the provisions of this chapter shall qualify. No person who has been recalled from an elective office, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within two years after such recall or resignation.

### Substantial Compliance.

Sec. 11. A substantial compliance with the provisions of this chapter shall be sufficient for the holding of an election, and for the removal and election of any officer thereunder.

In Effect January 8, 1912.

Sec. 13. This chapter shall go into effect January 8, 1912. (Amended Nov. 15, 1910.)

## ARTICLE XII.

### ACQUISITION OF PUBLIC UTILITIES.

[Amended December 4, 1902. Approved February 5, 1903.]

Public  
ownership  
of utilities

Section 1. Whenever the Board of Supervisors by ordinance, as hereinafter provided, shall determine that the public interest or necessity demands the acquisition, construction or completion of any public utility or utilities by the City and County, or whenever the electors shall petition the Board of Supervisors, as provided in Section 3 of this Article, for the acquisition of any public utility or utilities, the Board of Supervisors must procure from the Board of Public Works, through the City Engineer, plans and estimates of the cost of original construction and completion, by the city and county, of such public utility or utilities.

In securing estimates of the cost of original construction and completion of water works, by the city and county, the Board of Supervisors must procure, as hereinabove specified, and place on file plans and estimates of the cost of obtaining from such sources as the Board of Supervisors may designate as available, a sufficient supply of good, pure water for the city and county.

Supervisors to  
solicit offers

Sec. 2. Before submitting propositions to the electors for the acquisition by original construction or condemnation of public utilities, the Board of Supervisors must solicit and consider offers for the sale to the city and county of existing utilities, in order that the electors may have the benefit of acquiring the same at the lowest possible cost thereof.

Sec. 3. Whenever a petition or petitions, each signed by electors of the city and county equal in number to fifteen per centum of all the votes cast in the city and county at the last preceding general election, shall be presented to the Board of Supervisors, setting forth that the signers of such petition or petitions favor the acquisition of the public utility or utilities therein named, it shall be the duty of the Clerk of the Board of Supervisors to immediately proceed to examine and verify the signatures to such petition or petitions, and to certify the result of such examination to the Board of Supervisors. If the required number of signatures be found to be genuine, the Clerk shall transmit to the Mayor an authentic copy of such petition or petitions, without the signatures thereto.

Upon receiving a certificate of the Clerk that the petition or petitions contain the required number of genuine signatures, it shall be the duty of the Board of Supervisors to procure, in the manner specified in Section 1 of this Article, plans and estimates of the cost of original construction and completion of each public utility named in such petition or petitions.

Thereafter, the Board of Supervisors shall formulate for submission to the electors of the city and county at a special election called for the purpose, a separate proposition for the acquisition of each public utility named in such petition or petitions.

The Mayor shall also have the right to formulate and submit to the electors, at such special election, a proposition for the acquisition of each public utility named in such petition or petitions, separate from the proposition therefor formulated by the Board of Supervisors.

All propositions formulated under the provision of this Section shall be completed within six months after the filing of such petition or petitions.

Nothing in this section shall be so construed as to prohibit the Board of Supervisors from responding to the aforesaid petition or petitions of the electors requesting the acquisition of any public utility or utilities by proceeding at once, without the submission of propositions to the electors as aforesaid, to pass an ordinance declaring its determination, as provided in Section 5 of this Article, to acquire the same, and from proceeding thereafter to secure the acquisition thereof, as hereinafter provided.

Sec. 4. At the next regular meeting after the completion of the proposition or propositions for the acquisition of the public utility or utilities named in such petition or petitions, the Board of Supervisors, by ordinance, as hereinafter in Section 6 provided, shall call a special election at which the propositions of the Board of Super-

visors and of the Mayor, if he formulate any, shall be submitted to the electors of the city and county.

When the cost of any public utility or utilities named in such petition or petitions can be paid out of the annual revenues of the city and county in addition to the other necessary expenses thereof, each proposition therefor, submitted to the electors, shall specify the cost of the utility therein proposed for acquisition by the city and county, the proposed method and manner of payment thereof, and the Board of Supervisors shall submit therein to the electors the question whether the same shall be acquired upon such terms. A majority of the electors voting at such special election shall be necessary to accept such proposition.

At as early a date after the determination of the result of such special election as the Board of Supervisors shall deem for the best interests of the city and county, it shall undertake proceedings and enter into such negotiations and contracts as may be necessary for the acquisition of any public utility or utilities named in any proposition or propositions accepted by a majority of the electors voting at such special election.

If, however, the cost of any public utility or utilities, named in any petition or petitions of the electors, shall so far exceed the annual revenues of the city and county, in addition to the other necessary expenses thereof, as to render it necessary to incur a municipal bonded indebtedness therefor, each proposition for the acquisition of such public utility or utilities shall specify the amount of the bonded indebtedness necessary therefor and the rate of interest thereon, and the Board of Supervisors shall submit to the electors, at such special election, the question whether such bonded indebtedness shall be incurred. At least two-thirds of the electors voting at such special election shall be necessary to secure the acquisition of such public utility or utilities and to warrant the issuance of municipal bonds therefor.

Sec. 5. Whenever the Board of Supervisors shall determine that the public interest or necessity demands the acquisition, construction or completion of any public utility or utilities, it shall specifically declare such determination by an ordinance, which shall also direct the Board of Public Works to procure and file plans and estimates of the cost of original construction and completion of such public utility or utilities. Such ordinance shall be published for at least two weeks in the official newspaper.

When the cost of such public utilities, or any of them, can be paid out of the annual revenues of the city and county in addition to the other necessary expenses thereof, the Board of Supervisors shall, as soon after the filing of the plans and estimates of cost thereof as it may deem

for the best interests of the city and county, enter into such negotiations and contracts as may be necessary for the acquisition of the same.

If, however, the cost of such public utilities, or any of them, shall so far exceed the annual revenues of the city and county in addition to the other necessary expenses thereof, as to render it necessary to incur a municipal bonded indebtedness therefor, the Board of Supervisors shall, at any regular meeting held within eight weeks after the filing of the plans and estimates of cost thereof, by ordinance, as hereinafter in Section 6 of this Article provided, call a special election, at which shall be submitted to the electors a proposition or propositions for the acquisition of such public utility or utilities. Such propositions shall specify the amount of the bonded indebtedness necessary for the acquisition of the utility or utilities therein named and the rate of interest thereon, and the Board of Supervisors shall submit to the electors the question or questions whether such bonded indebtedness shall be incurred. At least two-thirds of the electors voting at such special election shall be necessary to warrant the issuance of municipal bonds for the acquisition of such public utilities, or any of them—As amended December 4, 1902, approved by the Legislature February 5, 1903 (Statutes 1903, page 593).

Bonded  
indebtedness

Sec. 6. Whenever, under the provisions of this Article, it shall be necessary to call a special election for the purpose of submitting to the electors a proposition or propositions for the acquisition of public utilities, the Board of Supervisors shall pass an ordinance calling such special election for such purpose.

Ordinance for  
Special election

At such special election all propositions for the acquisition of public utilities, formulated under the provisions of this Article, may be submitted to the electors of the city and county. No question except the acquisition of public utilities and the incurring of municipal indebtedness therefor shall be submitted at such special election.—As amended December 4, 1902, approved by the Legislature February 5, 1903 (Statutes 1903, page 594.)

Sec. 7. The ordinance calling such special election shall set forth the purposes for which the election is called, the estimated cost of each utility proposed for acquisition by the city and county, the proposed method and manner of payment thereof, and shall fix a day on which such special election shall be held, the manner of holding such election and the manner of voting for or against each proposition thereat submitted to the electors; and, if it shall be necessary to incur a municipal indebtedness for any utility or utilities therein proposed for acquisition by the city and county, the ordinance shall specify the objects and purposes for which such indebted-

Ordinance;  
what shall  
set forth

ness is proposed to be incurred, and that bonds of the city and county shall issue for the payment of the cost of such utility or utilities, as in such ordinance set forth (if the proposition or propositions therefor be accepted by the electors.) Such election shall be held as provided by law for holding elections in the city and county.—As amended December 4, 1902, approved by the Legislature February 5, 1903 (Statutes 1903, page 594.)

Publication

Sec. 8. Such ordinance shall be published daily for at least ten days in the official newspaper. At the expiration of said ten days the Supervisors shall cause to be published daily for not less than two weeks in the official newspaper a notice of such special election. Such notice shall specify the purpose for which the indebtedness is to be incurred, the number and character of the bonds to be issued, the rate of interest to be paid, and the amount of tax levy to be made for the payment thereof.—As amended December 4, 1902, approved by the Legislature, February 5, 1903 (Statutes 1903, page 594.)

Limit of  
indebtedness

Sec. 9. No indebtedness shall be incurred for the acquisition of any public utility under the provisions of this Article, which, together with the existing bonded indebtedness of the city and county, shall exceed at any one time fifteen per centum of the assessed value of all real and personal property in the city and county; provided, that any bonded indebtedness which may be incurred under the provisions of Section 29a of Article XVI of the Charter, in aid of an exposition to celebrate the completion of the Panama Canal, shall be exclusive of the bonded indebtedness of the City and County limited by this section.—As amended November 15, 1910, approved by the Legislature February 17, 1911.

Bonds for  
acquisition of  
public utilities

Sec. 10. The bonds issued under the provisions of this Article shall be of such form as the Supervisors in the ordinance calling the election therefor shall determine; but such bonds shall be payable, interest and principal, in gold coin of the United States. The interest on such bonds shall not exceed 5 per cent per annum, and they shall be redeemed at such times and in such amounts as the Supervisors shall determine, as set forth in the ordinance calling the special election; provided, that redemption of such bonds shall begin in not more than eighteen years and shall be completed in not more than seventy-five years from the date of the issue.

Form  
Denomination

The bonds so issued shall be exempt from all taxation for municipal purposes and shall be issued in denominations of not less than ten dollars and not more than one thousand dollars, and preference in the sale and allotment thereof shall be given to subscribers for the smallest amounts and the lowest denominations.



The Supervisors shall fix the times and places at which the payment of interest or principal may be made.

Such bonds when issued may be sold by the Supervisors from time to time, as required, and in such quantities as they may determine. When such bonds are offered for sale they shall be advertised in the official paper and otherwise if so ordered by the Supervisors and sealed proposals for the purchase of the whole or any part thereof offered shall be opened at the time specified in such advertisements. All proposals for the purchase of such bonds shall be accompanied by a deposit of 5 per cent of the amount bid in lawful money of the United States or by a deposit of a certified check payable to the Clerk of the Board of Supervisors of the City and County for a like sum; provided, that no deposit need exceed the sum of ten thousand dollars, and that no deposit need be given by the State of California, which money or check shall be forfeited by the bidder in case he fails to accept and pay for the bonds bid for by him if his bid is accepted. Bonds shall be sold to the highest bidder for not less than par, but the Supervisors shall have the right to reject any or all bids made for the purchase thereof. If less than the amount of bonds offered shall be sold, the Supervisors may, with the concurrence of fourteen members and the Mayor, place such unsold bonds on sale at the City Treasury, or at branches thereof established by the Treasurer for public convenience; and such bonds may be sold to any applicant at such prices as may be fixed by the Supervisors, provided that such prices shall not be less than par and accrued interest.

How sold

The proceeds of any sale of bonds shall be placed in the treasury to the credit of the proper fund, and shall be applied exclusively to the purposes and objects mentioned in the ordinance authorizing their issue until such objects are fully accomplished; after which, if any surplus remains, such surplus may be transferred to the general fund, except that if such surplus exceeds the sum of two thousand dollars, then such surplus and the whole thereof shall be transferred to the appropriate fund or funds to pay the interest and maintain the sinking fund or provide for the retirement of the bonded indebtedness in connection with which such surplus remains.

Proceeds of sale,  
to what applied

If the bonds or any of them offered for sale shall remain unsold the Supervisors may so declare, and may, with the concurrence of fourteen members and the Mayor, cancel such unsold bonds, provided that no bonds shall be canceled as aforesaid unless the same have been offered for sale by advertisement, as above provided, at least three separate times at intervals of not less than thirty days, and provided that no such bonds shall be canceled by the Supervisors as aforesaid for which par or above

Unsold bonds

has been bid by any bona fide responsible bidder or bidders.

Unsold bonds  
heretofore  
issued

The provisions of this section, regarding the cancellation of unsold bonds, shall apply to any bonds that have been heretofore issued or to any bonds that have been heretofore authorized by a vote of the electors of the city and county under this section or under Section 29 of Article XVI of this Charter, and that remain unsold after efforts to sell the same shall have been made as above provided.

Registered  
bonds

Whenever the owner of any coupon bond, or of any bond payable to bearer, already issued or hereafter issued by the city and county shall present any such bond to the Treasurer with a request for the conversion of such bond into a registered bond, such Treasurer shall cut off and cancel the coupons of any such coupon bond so presented, and shall stamp, print or write upon such coupon bond or such other bond payable to bearer, so presented, either upon the back or upon the face thereof, as may be convenient, a statement to the effect that the said bond is registered in the name of the owner, and that thereafter the interest and principal of said bond are payable to the registered owner. Thereafter, and from time to time, any such bond may be transferred by such registered owner in person, or by attorney duly authorized on presentation of such bond to Treasurer, and the bond be again registered as before, a similar statement being stamped, printed or written thereon. Such statement stamped, printed or written upon any such bond may be in substantially the following form:

(Date—giving month, year and day.)

This bond is registered pursuant to Charter of the City and County of San Francisco, State of California, in the name of..... (here insert name of owner), and the interest and principal thereof are hereafter payable to such owner.

....., Treasurer.

After any bond shall have been registered as aforesaid, the principal and interest of such bond shall be payable to the registered owner. Such Treasurer shall keep in his office a book or books which shall, at all times, show what bonds are registered and in whose names, respectively.—As amended November 5, 1907, approved by the Legislature November 22, 1907 (Statutes Special Session, 1907, page 15).

Signatures  
Coupons

Sec. 11. Such bonds shall be signed by the Mayor and the Treasurer, and shall be countersigned by the Auditor. The coupons shall be numbered consecutively and signed by the Treasurer, and the bonds and coupons shall be payable at the office of the Treasurer.—As amended December 4, 1902, approved by the Legislature February 5, 1903 (Statutes 1903, page 595).

Sec. 12. At the time of levying the municipal tax, and in the manner provided for such tax levy, the Supervisors shall levy and collect annually a tax sufficient to pay the annual interest on such bonds, and also such part of the bonded municipal indebtedness as will fall due within the succeeding fiscal year, and as may be necessary to provide for the sinking fund payments of the next succeeding fiscal year; provided that when the interest and sinking fund payments for any fiscal year on the bonds issued for any public utility can be met out of the surplus earnings of such public utility for the preceding fiscal year, no tax shall be levied for such purpose. Such taxes shall be in addition to all other taxes levied for municipal purposes, and shall be collected at the same time and in the same manner as other municipal taxes are collected.—As amended November 5, 1907, approved by the Legislature November 22, 1907 (Statutes Special Session, 1907, page 17).

Levy of tax to pay annual interest on bonds

Sec. 13. A neglect or refusal on the part of the Supervisors to comply with the provisions of this Article shall constitute cause for the removal from office of any member or members of the Board guilty of such neglect or refusal.—As amended December 4, 1902, approved by the Legislature February 5, 1903 (Statutes 1903, page 596).

Penalty for failure to enforce this article

Sec. 14. The City and County shall have power to acquire, construct or complete any public utility from funds derived from taxes levied for that purpose, or from funds derived from the sale of bonds issued for that purpose, as is provided in this Charter, and may operate, maintain, sell or lease the same, subject to the other provisions and limitations of this Charter.

Power to acquire public utilities

Sec. 15. The Supervisors shall have power, in the name and for the benefit of the city and county, to acquire by purchase or condemnation, subject to the conditions and limitations in this Charter and the general laws of the State prescribed, any lands situated within the State of California necessary for constructing or maintaining canals, aqueducts, reservoirs, tunnels, flumes, ditches, or pipes for conducting or storing water for the use of the city and county, or the inhabitants thereof.

Acquisition of lands for water purposes

Sec. 16. 1. Whenever any public utility shall be operated by the city and county, the receipts from such utility shall be paid daily into the City Treasury and maintained in a special fund set aside for such utility. The Supervisors may, from time to time, make appropriations from such funds for the following purposes:

Disposition of receipts from public utilities

- (a) For the payment of the operating expenses of such utility;
- (b) For repairs and reconstruction;
- (c) For payment of interest and sinking fund on the bonds issued for the acquisition or construction of such utility.

(d) For extensions and improvements;

(e) For a reserve fund.

Reserve fund

2. Whenever the reserve fund shall exceed one-half of the payment for operating expenses in the preceding fiscal year, the Supervisors shall have the power to appropriate such excess to the general fund.

Books of  
account

3. The city and county, when owning any public utility, shall keep the books of account for such public utility distinct from other city and county accounts and in such manner as to show the true and complete financial results of such municipal ownership, or ownership and operation, as the case may be. Such accounts shall be so kept as to show the actual cost to the city and county of the public utility owned; all costs of maintenance, extension and improvement; all operating expenses of every description, and in case of such municipal operation the amounts set aside for sinking fund purposes. If any service shall be furnished for the use of such public utility without charge, the accounts shall show as nearly as possible the value of such service, and also the value of such similar service rendered by the public utility to any other municipal department without charge; such accounts shall also show reasonable allowances for interest, depreciation and insurance, and also estimates of the amount of taxes that would be chargeable against such property if owned by a private corporation. The Supervisors shall cause to be printed annually for public distribution a report showing the financial results, in form as aforesaid, of such municipal ownership and operation. The accounts of such public utility, kept as aforesaid, shall be examined at least once a year by an expert accountant, who shall report to the Supervisors the result of his examination. Such expert accountant shall be selected in such manner as the Supervisors may direct, and he shall receive for his services such compensation, to be paid out of the income or revenues from such public utility, as the Supervisors may prescribe.—Sections 14, 15, 16 added by amendment adopted November 5, 1907, approved by the Legislature November 23, 1907 (Statutes Special Session, 1907, page 37).

## ARTICLE XVI.

### Miscellaneous.

Bonded  
indebtedness,  
how incurred

Sec. 29. When the Supervisors shall determine that the public interest requires the acquisition of any land or lands or the construction or acquisition of any permanent building or buildings, improvement or improvements the cost of which, in addition to the other expenses of the city and county, will exceed the income and revenue provided for the city and county for any one year, they must,

by ordinance, submit a proposition or propositions to incur a bonded indebtedness for such purpose or purposes to the electors of the city and county at a special election to be held for that purpose only. All provisions of this Charter, as the same shall read at the time of submitting such propositions to the electors, providing for the acquisition of public utilities, so far as the same are applicable, shall apply to the manner of submitting such proposition or propositions, to the issuance, character and registration of said bonds and to the time when, and the kind of money in which said bonded indebtedness shall be payable.

Disposition of  
proceeds of sale  
of bonds

The proceeds of any sale of bonds shall be placed in the treasury to the credit of the proper fund and shall be applied exclusively to the purposes and objects mentioned in the ordinance authorizing their issuance until such objects are fully accomplished, after which, if any surplus remains, such surplus may be transferred to the general fund, except that if such fund exceeds the sum of two thousand dollars then such surplus and the whole thereof shall be transferred to the appropriate fund or funds to pay the interest and maintain the sinking fund or provide for the retirement of the bonded indebtedness in connection with which such surplus remains.—As amended November 5, 1907, approved by the Legislature November 22, 1907 (Statutes Special Session, 1907, page 17).

### Terms of Officers.

Sec. 38a. The term of office of the Mayor, County Clerk, Auditor, District Attorney, Sheriff, Coroner and nine of the eighteen Supervisors shall be four years, commencing January 8, 1912, and the term of office of the Tax Collector, Recorder, City Attorney, Public Administrator, Treasurer and nine of the eighteen Supervisors shall be two years until the eighth day of January, 1914, and thereafter shall be four years.

Thereafter all the terms of the officers herein named shall be four years. The nine Supervisors receiving the highest number of votes at the municipal election held in 1911 shall be the Supervisors whose terms shall be four years from January 8, 1912, and the terms of the nine Supervisors receiving the next highest number of votes at said municipal election shall be two years from January 8, 1912, provided that if it should be impossible to determine the highest number of votes by reason of others having received the same number of votes, then those so tied shall choose by lot the four-year term. At each general municipal election officers shall only be chosen to succeed those whose terms expire in the month of January next

following. The provisions of this section shall be deemed to be amendatory of all other provisions in the Charter relating to the terms of officers herein named, whether heretofore existing or contained in sections amended in other respects concurrently with the adoption of this amendment. (Adopted November 15, 1910.)

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